

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

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

6 March 2026



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MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of the applicant, Matamata Development Limited (**MDL**).
2. In accordance with the directions made in Minute 19, the Expert Consenting Panel (**Panel**) will have received the Joint Witness Statement (**JWS**) dated 4 March 2026 regarding stormwater and groundwater issues. The JWS addressed, and the relevant experts reached agreement on answers to, all of the questions set out in the agenda that was provided by the Panel.¹ MDL therefore understands that the contents of that JWS will resolve the outstanding stormwater and groundwater issues referred to in Minutes 16 and 19.
3. To assist the Panel in its review of the JWS, MDL's expert planner has prepared a memorandum, attached to this memorandum as **Appendix A**, that summarises the material that is before the Panel.
4. Noting the Panel's view that the content of the JWS "might be pivotal",² and to allow the Panel sufficient time to consider both the JWS and the additional material that MDL lodged with the Panel in response to Minutes 20 and 21,³ MDL respectfully requests that the Panel extend the suspension of the processing of the application for an additional two working days, until 5pm on 10 March 2026.
5. If the Panel considered that a lesser period is sufficient for its purposes, the applicant would be content with the suspension being extended for only one working day (until 5pm on 9 March 2026).

1 Minute 19 at Attachment 1.

2 Minute 19 at [26].

3 Attached to its memorandum of counsel dated 27 February 2026, and the memorandum by WGA which was lodged with the Panel on 4 March 2026.

6. Naturally, MDL agrees that the Panel can continue to incur costs while the application is suspended.

DATED at Auckland this 6th day of March 2026

A handwritten signature in blue ink, appearing to be 'W S Loutit / P Lang', written in a cursive style.

W S Loutit / P Lang
Counsel for Matamata Development Limited

Appendix A

Memorandum

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

From: Fraser McNutt – Barker & Associates Limited

Date: 6 March 2026

Re: Ashbourne Substantive Summary Memorandum

Introduction and Overview of the Application

This memorandum is filed on behalf of the Applicant in support of its substantive application under the Fast Track process for the Ashbourne project (the Project). The memorandum provides a detailed summary of the Ashbourne application since lodgement and further responds to Minutes 14 – 21 issued by the Panel.

This memo seeks to consolidate and provide to the Panel a helpful reference to the volume of material submitted.

At its core, the Project is designed to respond to increasing regional growth pressures. It provides for substantial housing supply across a range of types and price points, delivers enabling infrastructure in a timely and coordinated manner, and achieves a high-quality urban form consistent with strategic planning objectives at both regional and national levels.

In my view, the Project is a technically robust proposal designed and supported by appropriately qualified and experienced experts in, urban design, transport, infrastructure, hydrology, ecology, stormwater, geotechnical, landscape, economics, planning and other relevant disciplines.

Strategic and Regional Significance

As set out in the substantive application and reinforced through the comprehensive technical material and further information provided by the experts engaged by the Applicant throughout this process, the Project delivers substantial regional benefit and is demonstrably of regional significance. The scale, integrated nature, and strategic alignment of the proposal is consistent with the purpose of the Fast-track Approvals Act, namely to facilitate the efficient delivery of projects that provide significant regional or national benefits while ensuring that adverse effects are appropriately managed.

As a summary, and with reference to the materials that have previously been prepared by the experts engaged by the Applicant and lodged with the Panel, the Project delivers benefits that are of regional significance in the following ways:

- **Housing Supply** - The Project provides a material increase in residential capacity, including a range of housing types and retirement living options. In doing so, it responds directly to identified growth pressures and contributes meaningfully to regional housing supply and affordability objectives.
- **Integrated and Enabling Infrastructure:** - The development incorporates comprehensive servicing solutions, including transport, three waters, stormwater management, and renewable energy generation designed and modelled to align with staging and to achieve long-term network resilience. This integrated approach ensures efficient infrastructure delivery at a scale that is regionally significant.

- **Economic Stimulus and Employment Generation** - The scale of development will generate substantial economic activity, including construction employment, ongoing jobs associated with neighbourhood centre activities, and broader regional economic multiplier effects.
- **Renewable Energy and Sustainability Outcomes** - The inclusion of on-site solar generation infrastructure contributes to regional renewable energy supply and resilience, supporting sustainability and reducing long-term reliance on non-renewable energy sources.
- **Provision of Community Infrastructure and Amenity** - The Project delivers open space networks, active transport connections, ecological enhancement and neighbourhood facilities that will support a well-functioning and liveable community, with benefits extending to the wider catchment.
- **Timely and Coordinated Delivery Under the Fast Track Regime** - The Project exemplifies the type of development contemplated by the Fast Track framework, one that is strategically important, infrastructure-enabled, and capable of being delivered efficiently while maintaining robust environmental safeguards.

Approval of Consents

The evidence and information before the Panel demonstrates that the Project is capable and deserving of approval. The technical assessments confirm that potential effects and impacts have been comprehensively identified and appropriately addressed. Where effects or impacts arise, they are either:

- Avoided through design refinement;
- Mitigated through engineering or management responses; or
- Appropriately managed through conditions, including staging and monitoring frameworks.

The application has been iteratively refined in response to expert input and Panel direction. In my opinion, the final proposal reflects an integrated design that achieves positive urban development outcomes while ensuring environmental safeguards are robust and enforceable.

Importantly, the scale and nature of the Project do not give rise to unmanageable adverse effects or impacts. The expert evidence that has been lodged with the Panel demonstrates that infrastructure capacity will be appropriately provided, natural hazard risks will be suitably managed, ecological values will be protected and enhanced, with amenity effects being confined to acceptable levels.

The proposed conditions of consent, as refined through expert conferencing and further information processes, in my opinion, provide the Panel with a high degree of certainty regarding implementation, monitoring, and long-term performance.

In terms of cumulative impacts, in my opinion it has been demonstrated through the application and subsequent responses to minutes and proposed conditions of consent that the combination of any residual adverse effects or impacts are not sufficiently significant to warrant a decision to decline the whole or part(s) the approvals applied for.

Depth and Quality of Evidence

There is sufficient information available to the Panel to make the required determinations under the FTAA.

The evidence presented by the Applicant has not remained static. Since lodgement, the Applicant has provided additional information, modelling, design refinements, and expert clarification when requested

and on its own initiative. This iterative approach has strengthened the application and provides the Panel with a high level of technical support for the proposal.

Process Undertaken and Further Information Provided

Since the substantive application was lodged, the Applicant has taken significant time, effort, and care to provide comprehensive and detailed responses to all questions raised through the process. Expert advisors across all relevant disciplines have prepared supplementary assessments, clarifications, modelling updates, and refinements to ensure that the Panel is fully informed.

For clarity and ease of reference for the Panel, the Applicant has prepared a consolidated tracking table below which demonstrates:

- All documents lodged with the substantive application;
- Section 53 comments received and the s55 responses from the applicant;
- Panel minutes and directions;
- Expert reports and advice provided to the Panel; and
- Outcomes of expert conferencing, including Joint Witness Statements.

Given the quantity of information supporting the application, for each of the above bullet points, the tracking table identifies the relevant issue raised, the information and responses provided by the Applicant, and explanatory commentary to assist the Panel in understanding how and when matters have been addressed.

I wish to specifically highlight the following critical matter to the Panel:

- Expert conferencing on stormwater and groundwater took place on 4 March 2026 and the resulting Joint Witness Statement was subsequently filed. As confirmed in that statement, the modelling undertaken is appropriate, the evidential basis for the stormwater management approach is robust, and the proposed framework, including conditions (as originally drafted and submitted on the 13th of February to the EPA that had review and input from WRC and MPDC), provides confidence that stormwater effects can be appropriately managed. All matters previously identified by the Panel in relation to stormwater and groundwater have now been substantively addressed.

Note: There is one slight tweak to a downstream effects condition contained in **the proposed SMP condition** that now is proposed to read as follows (Agreed by MPDC and WRC and sent to EPA).

“Provide details to demonstrate, that any increase in runoff volume from the proposed development, will have no downstream adverse flood or erosion effects (which includes the Waikato Regional Council administered drainage areas) for all relevant design events.”

When the full multidisciplinary evidential record is considered, including planning, infrastructure, stormwater, groundwater, ecology, transport, geotechnical and urban design evidence, I do not consider that there are any significant unmitigated adverse impacts remaining. Any potential adverse impacts have been appropriately avoided, remedied or mitigated through design refinement, technical solutions, staging mechanisms and robust proposed conditions.

Memorandum

Overview of application documents, evidence filed, applicant’s response to comments received, response to Panel minutes and Joint Witness Statements

Substantive Application (Original)

Application documents	Notes / Comments
Volume 1 - Overview	
Volume 1 – Ashbourne Overview Report	
Records of Titles (Appendix 1A)	
FTAA Checklists & Application Form (Appendix 1B)	
Adjacent Properties List (Appendix 1C)	
Engagement and Consultation Report (Appendix 1D)	
Referral Letter (Appendix 1E)	
S30 Letters from MPDC and WRC (Appendix 1F)	
Management Plans and Monitoring Measures (Appendix 1G)	
Cultural Impact Statement and Letters of Support (Appendix 1H)	
Ecological Impact Assessment (Appendix 1I)	
Ecological Management Plans (Appendix 1J)	
Economic Impact Assessment and Addendum (Appendix 1K)	
Land Use Capability Assessment (Appendix 1L)	
Geotechnical Reports including Dam Memo, Geotechnical Interpretation Report and Geotechnical Effects Management Plan (Appendix 1M)	The Geotechnical reports were superseded in the Applicant’s s55 response
Hydrogeological Assessment (Appendix 1N)	
Hazardous Substances Management Plan (Appendix 1O)	

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Integrated Transport Assessment (Appendix 1P)	
Urban Design Assessment (Appendix 1Q)	The urban design drawings were superseded in the Applicant's s55 response
Preliminary and Detailed Site Investigations (Appendix 1R)	
Contaminated Site Management Plan (Appendix 1S)	
Acid Sulphate Soil Management Plan (Appendix 1T)	
Overview Construction Staging and Timeframes (Appendix 1U)	
Volume 2 – Vacant Lot Subdivision	
Volume 2 – Assessment of Environmental Effects	
Scheme Plan (Appendix 2A)	The Scheme Plan was updated in response to Minute 3
Consent Notice Assessment and Attachments (Appendix 2B)	
Rules Assessment (Appendix 2C)	
Proposed Conditions (Appendix 2D)	Proposed conditions of consent were superseded by the proposed conditions submitted on 13 February 2026 and the slight tweak to the SMP proposed condition set with regards to downstream effects.
Volume 3 – Solar Farms	
Solar Farms – Assessment of Environmental Effects	
Solar Farms Specification Drawings (Appendix 3A)	
Landscape Drawings (Appendix 3B)	These drawings were superseded in response to Minute 4
Landscape and Visual Assessment (Appendix 3C)	
Glint and Glare Report – Northern Solar Farm (Appendix 3D)	
Glint and Glare Report – Southern Solar Farm (Appendix 3E)	
Infrastructure Report and Engineering Drawings (Appendix 3F)	The Engineering Drawings for the northern solar farm were superseded in full in response to Minute 14.
Acoustic Assessment (Appendix 3G)	
Construction Noise and Vibration Assessment – Northern Solar (Appendix 3H)	
Construction Noise and Vibration Assessment – Southern Solar (Appendix 3I)	

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Solar Farm Rules Assessment (Appendix 3J)	
Solar Farm Objectives and Policies Assessment (Appendix 3K)	Note that additional assessment against Objectives and Policies for the Solar Farms were provided in response to Minute 3
Solar Farm Proposed Conditions (Appendix 3L)	Proposed conditions of consent were superseded by the proposed conditions submitted on 13 February 2026.
Volume 4 – Retirement Village	
Volume 4 – Assessment of Environmental Effects	
Architectural Drawings (Appendix 4A)	
Landscape Drawings (Appendix 4B)	These drawings were superseded in response to Minute 3
Landscape and Visual Assessment (Appendix 4C)	
Infrastructure Report and Engineering Drawings (Appendix 4D)	The Infrastructure Report was superseded in response to Minute 11, and the Engineering Drawings were superseded in the Applicant’s s55 response
Construction Management Plan (Appendix 4E)	This document was superseded in the Applicant’s s55 response
Earthworks Management Plan (Appendix 4F)	
Stormwater Operation and Maintenance Plan (Appendix 4G)	This document was superseded in the Applicant’s s55 response
Noise and Vibration Assessment (Appendix 4H)	
Construction Noise and Vibration Management Plan (Appendix 4I)	
Rules Assessment (Appendix 4J)	
Objectives and Policies Assessment (Appendix 4K)	
Proposed Conditions (Appendix 4L)	Proposed conditions of consent were superseded by the proposed conditions submitted on 13 February 2026.
Water Management Plan (Appendix 4M)	
Scheme Plan (Appendix 4N)	This plan was superseded in the Applicant’s s55 response
Volume 5 – Residential & Greenway	
Volume 5 – Assessment of Environmental Effects	
Residential Typology Designs (Appendix 5A)	
Architectural Drawings – Commercial Node (Appendix 5B)	

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Design Guidelines (Appendix 5C)	This document was superseded in response to Minute 8
Landscape Drawings (Appendix 5D)	These drawings were superseded in response to Minute 4
Landscape and Visual Assessment (Appendix 5E)	
Infrastructure Report and Engineering Drawings (Appendix 5F)	These drawings were superseded in full in response to Minute 4, with additional drawings submitted through Minutes 5 and 14.
Earthworks Management Plan (Appendix 5G)	
Construction Management Plan (Appendix 5H)	This document was superseded in the Applicant's s55 response
Stormwater Management Plan (Appendix 5I)	This document was superseded in response to Minute 13
Stormwater Operation and Maintenance Plan (Appendix 5J)	This document was superseded in the Applicant's s55 response
Acoustic Assessment (Appendix 5K)	
Construction Noise and Vibration Management Plan (Appendix 5L)	
Rules Assessment (Appendix 5M)	
Objectives and Policies Assessment (Appendix 5N)	This document was superseded in response to Minute 3
Proposed Conditions (Appendix 5O)	Proposed conditions of consent were superseded by the proposed conditions submitted on 13 February 2026 and the slight tweak to the SMP proposed condition set with regards to downstream effects.

Applicant's s55 response to comments received under s53

Applicant's response to comments received	Summary of Comments Responded To	Notes / Comments
Appendix A – Tracking Table Response to Affected Landowners Redacted	All Affected Landowners Queries.	N/A
Appendix B – Tracking Table Response to Council Comments	<p>The majority of Council comments were addressed through separate memoranda as outlined below. The following was addressed within Appendix B:</p> <ul style="list-style-type: none"> MPDC Annexure D – Economic Evidence MPDC Annexure E – Geotechnical Evidence 	<ul style="list-style-type: none"> In relation to the response to Annexure E of MPDC's comments, for completeness it is noted that the response included (but was not limited to) the following matters: <ul style="list-style-type: none"> Active Faulting, noting that Active Faulting would be assessed in future stages of design

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Applicant's response to comments received	Summary of Comments Responded To	Notes / Comments
	<ul style="list-style-type: none"> • MPDC Annexure H – Stormwater and Flooding Evidence • MPDC Annexure J – Private Services – Retirement Village • MPDC Annexure K – Infrastructure Funding Evidence • MPDC Annexure L – Acoustic Evidence • WRC Appendix B – On-Site Wastewater Servicing Evidence of Trisha Simonson • WRC Appendix C – Evidence of Nicola Jane Wilson on Bore Water Supply • WRC Appendix D – Evidence of Megan Wood on Stormwater Management 	<p>should new data or observations come to light</p> <ul style="list-style-type: none"> ○ Groundwater system and conceptual groundwater model, including an updated groundwater model to include recently observed groundwater fluctuations • In relation to the response to Annexure F of MPDC's comments in relation to Stormwater and Flooding and WRC Appendix D in relation to Stormwater Management, for completeness it is noted that the response included (but was not limited to) the following matters: <ul style="list-style-type: none"> ○ Groundwater levels and the feasibility of soakage for stormwater discharge, including <u>an update to the stormwater design to remove soakage in the northern catchments of the residential and retirement village.</u> ○ Seasonal Groundwater Modelling, including an update to the groundwater model to cover a seasonal response period and the winter levels taken during winter 2025, and an acknowledgement that extended monitoring of groundwater fluctuations will be of benefit to detailed design and can be a condition of consent. ○ Greenway flows and discharge to the Waitoa River, including further clarification on the function of the Greenway and Stormwater Basin B.
Appendix C – Tracking Table Response to Other Stakeholder Comments	<ul style="list-style-type: none"> • Minister for Regional Development Comment • New Zealand Transport Agency Comment 	N/A

Applicant's response to comments received	Summary of Comments Responded To	Notes / Comments
	<ul style="list-style-type: none"> Minister for Seniors Comment Minister for Infrastructure Comment Minister for the Environment Comment Department of Conservation Comment 	
Ashbourne Response Covering Letter	N/A	N/A
Attachment 1 – Legal Memorandum	<ul style="list-style-type: none"> MPDC Memorandum of Counsel 	N/A
Attachment 2 – Planning Response (Redacted)	<ul style="list-style-type: none"> MPDC Annexure A – Planning Evidence: <ul style="list-style-type: none"> Memoranda 1 – Implications of Ashbourne Development on Matamata's Strategic Growth Planning Memoranda 2 – Review of the Applicant's Assessment of the Application under Part 2 RMA and relevant planning documents Memoranda 3 – Review of the Applicant's Assessment under the Statutory Scheme of the Fast-track Approvals Act 2024 	<ul style="list-style-type: none"> In addition to a direct response to the MPDC Annexure A (Planning Evidence), the Planning Response additionally provided an updated list of reasons for consent under the Waikato Regional Plan as indicated by the WRC during post-lodgement consultation and their s53 comments, including an updated suite of consent conditions. The Planning Response also included a new reason for consent under the National Environmental Standard for Freshwater 2020 to align with the updated discharge outlet design from the Greenway into the Waitoa, along with an assessment of effects.
Attachment 3 – NPS HPL Memo	<ul style="list-style-type: none"> Matamata-Piako District Council comments (page 3) Annexure A – Legal memorandum (NPS-HPL section beginning at paragraph 4.2) Annexure B – Planning evidence Annexure F – NPS-HPL evidence (Statement of Evidence of Duncan Brett Walker on Behalf of The Matamata-Piako District Council) 	<ul style="list-style-type: none"> Attachment 3 NPS-HPL memo provided on behalf of the application was prepared by B&A with direct input and evidence from soils and agri-economist experts. The planning advice provided to the Panel by Ms Tait on 3 February 2026 referenced and relied on the evidence of Mr Duncan Walker on behalf of MPDC but does not reference or indicate that the <i>Attachment 3 NPS-HPL memo</i> supplied to the Panel on 18 November 2025 has been considered. I note that the <i>Attachment 3 NPS-</i>

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Applicant's response to comments received	Summary of Comments Responded To	Notes / Comments
Attachment 4 – WGA Groundwater Memo	<ul style="list-style-type: none"> • MPDC Annexure E – Geotechnical Evidence • MPDC Annexure H – Stormwater and Flooding Evidence • WRC Evidence of Sheryl Roa • WRC Appendix B – On-site Wastewater Servicing Evidence • Affected Landowners Submissions 3, 6, 10, 13, 14, 17, 18, 19, 20, 24, 25, 27 & 29, along with response to submission 37 (285 Station Road), submissions 34, 38, and 41 (164 Station Road), and Submission 12 (Station 143 Limited and Begovich Investments Limited) 	<p><i>HPL memo</i> responded directly to the earlier evidence of Mr Walker.</p> <ul style="list-style-type: none"> • The memorandum assessed the updated groundwater levels, including assessment of the high winter levels. At this stage, it was confirmed that sub-soil drainage (in conjunction with the Greenway) would be utilised to manage groundwater levels across the site.
Attachments 5A-5C – Geotechnical Report	<ul style="list-style-type: none"> • MPDC Annexure E – Geotechnical Evidence • Affected Landowners Submissions 1 (Peakedale), 12 (Station 143 Limited and Begovich Investments Limited), 48 (Eldonwood Residents Association), along with Submissions 6, 13, 14, 16, and 25 	
Attachments 6A-6K – Ashbourne Residential Landscape Package	<ul style="list-style-type: none"> • Affected Landowners Submissions 13, 20, and 23 	<p>For completeness, it is noted that the Landscape Drawings were updated in response to comments from adjoining landowners to include:</p> <ul style="list-style-type: none"> • A 1.8m solid timber paling fence along the eastern boundary adjoining the common boundary of Odium Drive properties
Attachment 7 – Economic Response Memo	<ul style="list-style-type: none"> • MPDC Annexure D – Economic Evidence 	<p>The Economic Response covered the following topics:</p> <ul style="list-style-type: none"> • Residential Capacity Sufficiency

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Applicant's response to comments received	Summary of Comments Responded To	Notes / Comments
		<ul style="list-style-type: none"> • Ability of the Proposal to Stimulate Additional Demand • Retirement Village Supply and Location Considerations • Loss and Efficient Use of Highly Productive Land (HPL) • Displacement of Economic Activity and Net Regional Benefit • Infrastructure Costs, Funding, and Network Efficiency • Overall Economic Efficiency • Appendix A: Review of Revised Dwelling Capacity Assessment
Attachment 8A – Proposed Residential Landscape Buffer Plan	<ul style="list-style-type: none"> • Affected Landowners Submissions 1, 6, 14, 20, 22, 24, 27, 31, 38, 44, and 48 • MPDC Annexure C – Urban Design Evidence 	<ul style="list-style-type: none"> • In response to neighbours' comments and feedback from MPDC (Urban Design), the Applicant incorporated a planting buffer to soften the edge of the proposed residential and retirement village developments
Attachment 8B – Ashbourne Residential and RV Highgrove Buffer Planting	<ul style="list-style-type: none"> • Affected Landowners Submission 12 • MPDC Annexure C – Urban Design Evidence 	
Attachment 8C – Highgrove Buffer Planting Plan	<ul style="list-style-type: none"> • Affected Landowners Submission 12 • MPDC Annexure C – Urban Design Evidence 	
Attachment 9 – Maven Technical Response Memo	<ul style="list-style-type: none"> • Affected Landowners Submissions on Groundwater (3, 4, 6, 10, 12, 13, 14, 15, 18, 19, 24, 25, 27, 29, 34, and 37) • Affected Landowners Submissions on Flooding (3, 4, 6, 10, 12, 13, 14, 15, 17, 18, 19, 20, 21, 24, 25, 27, 29, 34, 35, 37, 38, and 43) • Affected Landowners Submissions on Infrastructure Capacity (1, 4, 6, 10, 12, 13, 14, 15, 16, 19, 20, 24, 25, 26, 31, 38, 48, and 49) 	<p>For completeness, the Technical Memorandum covered the following:</p> <ul style="list-style-type: none"> • Monitoring confirmed seasonally high groundwater, so soakage was retained only where separation was verified and was backed up with subsoil drainage and redundant trenches, and the Greenway was expected to aid long-term drawdown in northern areas.

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	<ul style="list-style-type: none"> Affected Landowners Submissions on Construction Effects (2, 3, 4, 6, 17, 19, 20, 27, 30, 43, and 49) 	<ul style="list-style-type: none"> The stormwater design was reworked for high groundwater, with wetlands replacing soakage in northern areas. The Greenway added conveyance and storage, resolving existing flooding that affected Station Road and Highgrove, and modelling showed flood extent and depth were reduced beyond the site boundary. Post-development discharge was capped at 80% of pre-development flows for both 10-year and 100-year ARI climate change events, and sensitivity testing showed performance was retained even with zero soakage and blocked pipes. Wider water and wastewater capacity was available subject to developer-funded upgrades via a PDA, construction effects were addressed via draft management plans, and the retirement village was to use AdvanTex (NZS 1547:2012) with raised disposal fields (600 mm clearance) plus a 50% reserve field; water supply modelling indicated only minor internal upgrades were anticipated.
Attachment 10 – Retirement Village Infrastructure Report – Rev B	<ul style="list-style-type: none"> MPDC Annexure B – On-Site Wastewater Servicing Evidence 	<p>For completeness, the updated Infrastructure Report for the Retirement Village included the following updates:</p> <ul style="list-style-type: none"> Commentary on latest groundwater levels Stormwater design updated based on updated groundwater data Wastewater disposal reserve field added Updated concept design for WWTP

Applicant's response to comments received	Summary of Comments Responded To	Notes / Comments
Attachments 10A-10J – Retirement Village Engineering Drawings	<ul style="list-style-type: none"> • MPDC Annexure E – Geotechnical Evidence • MPDC Annexure H – Stormwater and Flooding Evidence • WRC Appendix B – On-Site Wastewater Servicing Evidence • WRC Appendix D – Evidence of Megan Wood on Stormwater Management 	<p>For completeness, the updated Engineering Drawings for the Retirement Village included the following updates:</p> <ul style="list-style-type: none"> • Stormwater design updated due to high groundwater table • Wastewater design update for addition of reserve field • Roading update for removal of soakage trench • Earthworks update for stormwater design and wastewater disposal field requirements • Other drawing updates to reflect latest stormwater design
Attachment 11A-11D – Residential and Greenway Engineering Drawings	<ul style="list-style-type: none"> • MPDC Annexure C – Urban Design Evidence • MPDC Annexure G – Transportation Evidence • MPDC Annexure J – Private Services Evidence • WRC Evidence of Sheryl Roa • WRC Appendix B – On-Site Wastewater Servicing Evidence • WRC Appendix D – Evidence of Megan Wood on Stormwater Management • Affected Landowners Submissions on Pedestrian Paths to Highgrove and Eldonwood (Submissions 12, 24, 27, 31, 32, and 48) 	<p>The updated Engineering Drawings for the Residential Development included the following updates:</p> <ul style="list-style-type: none"> • Pedestrian paths connecting to adjoining residential areas removed as per neighbours comments • Roading layout updated to remove raingardens and soakage trench where SW pipe networks are now proposed, three roundabouts were added along Road 1 as requested by MPDC (Traffic Engineer) • Removal of one Lot to provide extension of Road 13 to future proof a road connection to the south as requested by MPDC (Urban Design) • New Stormwater Pipe Networks added to catchment C & D in response to groundwater data
Attachment 12 – Stormwater Management Plan	<ul style="list-style-type: none"> • MPDC Annexure E – Geotechnical Evidence 	<p>The SMP was updated to:</p>

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Applicant's response to comments received	Summary of Comments Responded To	Notes / Comments
	<ul style="list-style-type: none"> • MPDC Annexure H – Stormwater and Flooding Evidence • WRC Appendix D – Evidence of Megan Wood on Stormwater Management 	<ul style="list-style-type: none"> • Include commentary on updated groundwater levels • Incorporate the updated stormwater design for the northern residential catchment and retirement village • Provide clarification on the use of climate change adjustments to rainfall data • Amend peak flow discharge rates
Attachment 13 – Scheme Plan	<ul style="list-style-type: none"> • MPDC Annexure J – Private Services Evidence • WRC Appendix B – On-Site Wastewater Servicing Evidence 	<p>The Day 0 Scheme Plan was updated to:</p> <ul style="list-style-type: none"> • Incorporate expanded wastewater disposal field easement area to incorporate a 50% reserve field as requested by MPDC and WRC.
Attachment 14 – Retirement Village Scheme Plan	<ul style="list-style-type: none"> • MPDC Annexure J – Private Services Evidence • WRC Appendix B – On-Site Wastewater Servicing Evidence 	<p>The Retirement Village scheme plan was updated to:</p> <ul style="list-style-type: none"> • Incorporate a 50% reserve field for wastewater disposal as requested by MPDC and WRC.
Attachment 15 – Construction Management Plan Solar Farms	<ul style="list-style-type: none"> • MPDC Annexure E – Geotechnical Evidence • MPDC Annexure H – Stormwater and Flooding Evidence • WRC Appendix D – Evidence of Megan Wood on Stormwater Management 	<p>The Solar Farm CMP was updated to:</p> <ul style="list-style-type: none"> • Provide further commentary on latest groundwater levels • Incorporate response to neighbour concerns
Attachment 16 – Construction Management Plan – Retirement Village	<ul style="list-style-type: none"> • MPDC Annexure E – Geotechnical Evidence • MPDC Annexure H – Stormwater and Flooding Evidence • WRC Appendix D – Evidence of Megan Wood on Stormwater Management 	<p>The RV CMP was updated to:</p> <ul style="list-style-type: none"> • Provide further commentary on latest groundwater levels • Update earthworks volumes and staging details
Attachment 17 – Construction Management Plan – Residential and Greenway	<ul style="list-style-type: none"> • MPDC Annexure E – Geotechnical Evidence • MPDC Annexure H – Stormwater and Flooding Evidence 	<p>The Residential CMP was updated to:</p> <ul style="list-style-type: none"> • Provide further commentary on latest Geotech and groundwater levels

Applicant's response to comments received	Summary of Comments Responded To	Notes / Comments
	<ul style="list-style-type: none"> • WRC Appendix D – Evidence of Megan Wood on Stormwater Management • MPDC Annexure G – Transportation Evidence 	<ul style="list-style-type: none"> • Update detailed response for access and traffic management • Updates to construction staging and specific access / haulroads
Attachment 18 – Stormwater Operation and Maintenance Plan – Retirement Village	<ul style="list-style-type: none"> • MPDC Annexure E – Geotechnical Evidence • MPDC Annexure H – Stormwater and Flooding Evidence • WRC Appendix D – Evidence of Megan Wood on Stormwater Management 	The RV Stormwater Operation and Maintenance Plan was updated to include the new stormwater devices proposed (wetlands and centralised raingardens)
Attachment 19 – Stormwater Operation and Maintenance Plan – Residential and Greenway	<ul style="list-style-type: none"> • MPDC Annexure E – Geotechnical Evidence • MPDC Annexure H – Stormwater and Flooding Evidence • WRC Appendix D – Evidence of Megan Wood on Stormwater Management 	The Residential Stormwater Operation and Maintenance Plan was updated to: <ul style="list-style-type: none"> • reflect change in approach to stormwater management, with Basins C and D now being wetlands • Amend soakage details to reflect high groundwater level areas
Attachment 20 – Supplementary Doc Response to request for Greenway Memo	<ul style="list-style-type: none"> • Affected Landowners Submission 37 • MPDC Annexure H – Stormwater and Flooding Evidence • WRC Evidence of Sheryl Roa 	
Attachment 21 – Supplementary Drawing 18 – Response to Angela Jones, Station Road Tree Location	<ul style="list-style-type: none"> • Affected Landowners Submission 18 	
Attachment 22 – Urban Design Memo	<ul style="list-style-type: none"> • MPDC Annexure C – Urban Design Evidence • Affected Landowners Submissions 12 and 48 	For completeness, the Urban Design memo addressed the following changes: <ul style="list-style-type: none"> • Incorporation of a new road connection along the southern boundary as an extension of Road 13

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Applicant's response to comments received	Summary of Comments Responded To	Notes / Comments
		<ul style="list-style-type: none"> • Adding planting buffers up to 2m wide on boundaries adjoining Eldonwood and the southern boundary of the Residential site, and a 3m wide buffer to the Highgrove subdivision • Application of rear setbacks of 5m to several lots adjoining external boundaries of the site in response to MPDC comments (Urban Design) and neighbour concerns • Commitment to the implementation of no-complaint covenants for surrounding rural activities
Attachment 22A – Appendix 1 Proposed Boundary Treatment Summary	<ul style="list-style-type: none"> • Affected Landowners Submissions 1, 6, 12, 14, 20, 22, 24, 27, 31, 38, 44, and 48 	
Attachment 22B – Appendix 2 – Updated UD Drawing 181125	<ul style="list-style-type: none"> • MPDC Annexure C – Urban Design Evidence 	
Attachment 22C – Appendix 3 – Revised Design Guideline 181125	<ul style="list-style-type: none"> • MPDC Annexure C – Urban Design Evidence 	
Attachment 23A-23E – Solar Farms Landscape Package	<ul style="list-style-type: none"> • Affected Landowners Submissions 14, 18, and 31 	
Attachment 24 – Traffic Memo	<ul style="list-style-type: none"> • MPDC Annexure G – Transportation Evidence • Affected Landowners Submissions 3, 4, 12, 14, 15, 16, and 44 	
Attachment 25A - ESL WRC MPDC Response Memo	<ul style="list-style-type: none"> • WRC Evidence of Sheryl Roa 	
Attachment 25B - ESL S53 Response DOC Memo	<ul style="list-style-type: none"> • Department of Conservation s53 Comments 	
Attachment 25C – Ashbourne EMP Final Rev1 S53 Amendments	<ul style="list-style-type: none"> • WRC Evidence of Sheryl Roa • Department of Conservation s53 Comments 	

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Applicant's response to comments received	Summary of Comments Responded To	Notes / Comments
Attachment 26A – Updated Conditions of Consent – Day 0 Subdivision		Updated conditions of consent incorporated, where feasible, commitments made within the Applicant's s55 response.
Attachment 26B – Updated Conditions of Consent Retirement Village		
Attachment 26C – Proposed Conditions Residential and Greenway		

Response to Panel minutes and direction

Panel Minute	Applicant Response to Panel Minutes	Note / Comments
Minute 1 – 13 October 2025 Invitation to comment on Ashbourne application (s53(2))	N/A	N/A
Minute 2 – 13 October 2025 Additional information request addressed to the applicant: <ul style="list-style-type: none"> • Legal advice addressing implications of the requirements of the NPS-HPL to avoid subdivision and development on LUC 1, 2 and 3 land • Confirmation that proposed commercial area within Ashbourne residential zone will proceed and forms part of the application • Confirmation of changes in terms of pedestrian access / connectivity • Technical advice on the long-term viability of stormwater disposal of up to the 10-year ARI rainfall event via soakage to ground and that there is adequate vertical clearance above groundwater levels 	28 October 2025 Applicant provided the following information in response to the Panel's Minute 2 direction: <ul style="list-style-type: none"> • Memorandum in response to Minute 2 of the panel • Attachment 1 – Legal Memorandum (HPL) <ul style="list-style-type: none"> ○ Addressing the implications of the NPS-HPL, specifically in the context of the FTAA. ○ Confirmed that the Commercial Node would proceed, and that 'Option 2' was to be removed from the application ○ Confirmed removal of pedestrian accesses into Eldonwood and Highgrove residential areas • Attachments 2A-2C – Landscape Drawings 	I note that the Applicant provided responses to all Panel requests, supported by technical input from planning, legal, ecology, hydrogeology, engineering, landscape, and traffic specialists.

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Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<ul style="list-style-type: none"> • Reconciliation of difference between nature and character of the greenway and stormwater ponds 1 and 2 • Clarification of details of the emergency spillways from the stormwater ponds • Elevation details of the wastewater treatment facility within the retirement village (potential odour effects) • Confirmation of planting details for wastewater soakage field and inclusion of the same area into the 'balance land' • Effects on the Oxbow lakes • Details and description of any proposed landscaping treatment around the Oxbow lakes • Identifying any trees within the proposed Residential Zone that could be retained • Clarification of basis for the curved alignment of the northern end of carriageway of the proposed residential area adjoining Station Road • Manner by which cumulative construction effects can be identified and conditioned across all stages • Clarification on soakage design and testing 	<ul style="list-style-type: none"> ○ Provided updated stormwater basin landscape design, esplanade planting, and planting of Wastewater Disposal Field to address Panel comments • Attachment 3 – WWTP Details <ul style="list-style-type: none"> ○ Provided overall layout plan and design details of the proposed WWTP within the Retirement Village as requested by the Panel • Attachment 4 – Ecological Memo <ul style="list-style-type: none"> ○ Addressed Panel queries relating to the Oxbow wetlands, and the potential interaction of the Greenway with these, concluding that no effects management is required for the wetlands as a result of the proposal. • Attachment 5 – Hydrological Memo <ul style="list-style-type: none"> ○ Addressed hydrogeological influence of the Oxbow wetlands, concluding this was from the Waitoa River and not the existing drain outlet. • Attachment 6 – Esplanade Reserve Plan <ul style="list-style-type: none"> ○ Amended boundary plan for the esplanade reserves • Attachment 7 – Traffic Memo <ul style="list-style-type: none"> ○ Assessed potential cumulative construction effects 	
<p>Minute 3 – 21 November 2025</p> <p>Request for Information:</p> <ul style="list-style-type: none"> • Applicant and MPDC resolve the discrepancy between respective counsel on HPL and report back with a definitive agreed position 	<p>27 November 2025</p> <p>Applicant provided the following information in response to the Panel's Minute 3 direction:</p> <ul style="list-style-type: none"> • Letter to the Expert Panel counsel for the Applicant 	<p>The following engagement with Council took place following the receipt of Minute 3:</p> <ul style="list-style-type: none"> • Applicant engineering team (Maven) met with Waikato Regional Council on 26 November

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Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<ul style="list-style-type: none"> • Clarification on the intent of the ‘balance lot’ • Confirmation rationale for the use of highly productive land if future development is anticipated on the ‘balance lot’ • Earthworks: <ul style="list-style-type: none"> ○ Functionality of sediment retention ponds for the retirement village ○ Location of outlets from the SRP-1 adjacent to Highgrove subdivision ○ Clarify stormwater pond location notions in earthworks plan for retirement village ○ Advise if a design for the proposed wetland will be provided • Overall layout of residential area • Esplanade reserves – clarification of plans and applicant’s intent and vesting • Transport – alternative transport modes • Rural lifestyle (Lots 8 and 9) – providing a detailed assessment of those Lots against the NPS-HPL • Stormwater – address the ability of the existing stormwater channel serving northern parts of retirement village and residential development to accept post development stormwater outflows 	<ul style="list-style-type: none"> • Memorandum of the applicant in response to Minute 3 • Attachment 1 – Agreement with MPDC • Attachment 2 – C150-SCHEME • Attachment 3A – (Appendix 4D) C2200 C2400 Earthworks 251124 • Attachment 3B – (Appendix 4D) C5000A Wastewater 251124 • Attachment 4 – Updated UD Drawings • Attachment 5 – Retirement Village Landscape Package • Attachment 6 – Residential Landscape Package • Attachment 7 – C152 EW Oxbox Wetland 2 • Attachment 8 – C340 TYP RD Section • Attachment 9 – Northern Solar Farm Tree Location • Attachment 10 – Northern Downstream Flood Assessment • Attachment 11 – Lot sizes adjoin rural residential and rural land • Attachment 12 – Proposed Boundary Treatment Summary • Attachment 13 – (Appendix 5N) Residential & Greenway Objectives and Policies Assessment V2 	<p>2025 to discuss the application and provide further information;</p> <ul style="list-style-type: none"> • Applicant team (Maven - Engineering, WGA – Hydrogeology, and CMW – Geotechnical) met with MPDC representatives on 27 November 2025 to discuss the application and provide further information; • Applicant’s planning team (B&A) met with MPDC representatives on 26 November to discuss and agree where relevant on the NPS-HPL and other matters raised within Minute 3. <p>With regard to the Minute 3 response, the following is noted:</p> <ul style="list-style-type: none"> • At Item 25 of Minute 3, the Panel noted that they were awaiting the outcome of discussions regarding pathways on Station Road. In its response, the Applicant noted that <u>confirmation of this was provided within Attachment 24 of the Applicant’s s55 response.</u> • The response confirmed that no change in land use was intended for the Balance Lot, and that it was to remain in rural use, and that the Applicant and MPDC agreed that position. • A further assessment of effects was provided in respect of the two Rural Lifestyle Lots proposed adjoining the Northern Solar Farm. For completeness, it is noted that these Lots were later removed from the application and this assessment is no longer relevant.

Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<p>Minute 4 – 3 December</p> <ul style="list-style-type: none"> Appointment of Economist (Tim Denne), Legal (Jeremy Brabant) and Hydrology and Groundwater (Jon Williamson) to provide expert advice to Panel Direct conferencing and producing a Joint Witness Statement (JWS) for the panel – economics and stormwater management Request for further information in relation to stormwater, wastewater, geotechnical seismicity, transport, and planning/landscape/urban design 	<p>4 December 2025</p> <p>As directed by Minute 4 of the Panel, an updated Residential Design Guide document was submitted on 4 December:</p> <ul style="list-style-type: none"> Cover Letter Attached 1 – Revised design guidelines Attachment 1B – Revised design guideline tracked changes Attachment 2 – Land use consent plan <p>11 December 2025</p> <p>Applicant provided copies of Joint Witness Statements in response to the Panel’s Minute 4 direction, along with responses to requests for information arising from Minute 4:</p> <ul style="list-style-type: none"> Memorandum of Counsel on behalf of the applicant Joint witness statement – Groundwater Joint witness statement – Stormwater RFI Response: <ul style="list-style-type: none"> Covering letter Attachment 1 – Engineering Drawings Attachment 2 – Joint Witness Statement – Geotechnical Seismicity / Active Faulting Attachment 3 – Traffic Response Memo Attachment 4 – Residential Landscape Package <p>16 December 2025</p>	<ul style="list-style-type: none"> Refer to Joint Witness Statement table below for further details on the Joint Witness Statements. With regard to the 4 December response to the Panel’s request for information, the Residential Design Guide was updated to reflect discussion with MPDC on development controls and to incorporate changes to the proposal resulting from s53 comments. A tracked changes version of the Design Guide was included for transparency. It is noted that the 11 December responses included both response to RFIs and the Joint Witness Statements for Groundwater and Stormwater. The JWSs for Groundwater and Stormwater agreed, in summary, that outstanding matters could be addressed through outcome-oriented consent conditions. For clarity, we note that agreement was not reached between experts in relation to the Joint Witness Statement on Economics, and these matters were further addressed in later Minutes. For completeness, a memorandum of counsel was also submitted on 11 December that addressed the following: <ul style="list-style-type: none"> seeking an extension of time for further conferencing on Paragraph 9d, bullet points 2 and 3, of Minute 4. This JWS was submitted on 16 December 2025. advised the Panel that the Applicant was seeking legal advice in relation to the

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Panel Minute	Applicant Response to Panel Minutes	Note / Comments
	<ul style="list-style-type: none"> Joint witness statement – groundwater and stormwater management additional items <p>17 December 2025</p> <ul style="list-style-type: none"> Memorandum of counsel on behalf of the applicant 	<p>question of regional significance and noted an intention to submit a further memorandum on 17 December. For clarity, <u>processing of the application was suspended by the Applicant</u> for 5 working days from 11 December to 17 December 2025, as confirmed by Minute 6 below.</p> <ul style="list-style-type: none"> The Memorandum of Counsel submitted on 17 December was filed for the purposes of: <ul style="list-style-type: none"> Addressing the application of the legal advice provided by Mr Brabant to the Panel in relation to NPS-HPL; Advised of amendments that MDL has made to the proposal; and In the absence of an agreed answer between the Economics Experts, assisting the Panel with understanding how to determine “regional significance”. The Memorandum of Counsel also confirmed that the subdivision of rural lifestyle lots 8 and 9 was no longer proposed, and the Applicant volunteered to impose a consent notice restricting the ‘Balance Lot’ (lot 2) to be used only for uses permitted under the Council’s District Plan.
<p>Minute 5 – 8 December 2025</p> <ul style="list-style-type: none"> Confirmation of joint witness conferencing on Tuesday 9th December for stormwater 	<p>8 December 2025</p> <p>Applicant submitted to the following documents to the EPA (noting that these were additionally</p>	<p>Refer to Joint Witness Statement table below</p>

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Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<ul style="list-style-type: none"> Request for any reports prepared by experts in advance of conferencing to be supplied to the Panel before the end of day on Monday 8th December, particularly Items 9d and 12 of Minute 4 Confirmation of JWS to be supplied to the Panel by 11 December 2025 	<p>included in the Applicant's Minute 4 response above)</p> <ul style="list-style-type: none"> Email from WGA Engineering Drawings – Oxbow Wetland Plan, SW Overall Catchment Plan, and SW Device Details Plan. 	
<p>Minute 6 – 9 December 2025</p> <ul style="list-style-type: none"> Request to suspend the application by 5 working days to allowing for economic conferencing. Panel grants 5-day suspension from Thursday 11th December until Wednesday 17th 2025 	<p>11 December 2025</p> <p>Applicant submitted Memorandum to the panel, following up on Minute 6</p> <ul style="list-style-type: none"> Memorandum of counsel from applicant (as addressed under Minute 4 above) 	<p>Refer to summary of response to Minute 4 above.</p>
<p>Minute 7 – 15 December 2025</p> <p>Request for further information from MPDC relating to infrastructure costs, residential capacity analysis and private developer agreement for infrastructure</p>	<p>N/A</p>	<p>N/A</p>
<p>Minute 8 – 17 December 2025</p> <p>Request for information – solar farm:</p> <ul style="list-style-type: none"> Tim Denne's review of economic analysis dated 28 November relating to solar farms benefit Applicant to provide information to support and quantify regional benefits of two solar farms that address Mr Denne's concerns 	<p>19 January 2026</p> <p>Applicant provided responses to Minutes 8, 9 and 10 as requested by the panel including:</p> <ul style="list-style-type: none"> Memorandum of counsel for Matamata Development Limited Updated design guidelines in response to Minute 9 Appendix A – Market Economics Analysis Appendix B – Barker & Associates planning memorandum Attachment 1 – Market Economics response to housing affordability distribution 	<p>The Applicant provided one response addressing items raised in Minutes 8, 9, and 10. The following is noted:</p> <ul style="list-style-type: none"> The Planning Memorandum and Market Economics Analysis addressed questions of affordability, having regard in particular to Policy 1 of the NPS-UD, confirming that at least 5% of the dwellings within the Ashbourne development will be affordable, meeting the threshold sought by iwi and considered to accord with the relevant portion of the NPS-UD.

Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<p>Minute 9 – 18 December 2025</p> <p>Request for further information from applicant:</p> <ul style="list-style-type: none"> Evidence demonstrating whether the anticipated costs of proposed housing on small lots will meet the needs of lower income people Advise that 5% of affordable homes sought by Nga Iwi will be delivered through the application Provide advice as to how the proposed development meets the ‘good accessibility for people between housing, jobs, community services, natural spaces by way of public or active transport’ policy direction in the NPS-UD is met More certainty regarding construction of the solar farms and whether this can be achieved by way of a condition of consent Advise how the application is consistent with the NPS-UD direction on climate change in relation to heat island effects from new houses being proposed 	<ul style="list-style-type: none"> Attachment 2 – Greenwoods Tree Canopy and Landscaping calculations <p>19 January 2026</p> <p>Applicant provided responses to Minutes 8, 9 and 10 as requested by the panel including:</p> <ul style="list-style-type: none"> Memorandum of counsel for Matamata Development Limited Updated design guidelines in response to Minute 9 Appendix A – Market Economics Analysis Appendix B – Barker & Associates planning memorandum Attachment 1 – Market Economics response to housing affordability distribution Attachment 2 – Greenwoods Tree Canopy and Landscaping calculations 	<ul style="list-style-type: none"> Further assessment against the policies and objectives of the NPS-UD was provided. The Residential Design Guide was updated to address Panel concerns on the ‘Urban Heat Island’ effect. A further memorandum was prepared by Market Economics to directly respond to matters raised by Tim Denne in relation to the benefits of the solar farm, concluding that the solar farms would deliver “substantial benefits to both the Waikato region and New Zealand by adding generating capacity equivalent to the electricity needs of circa 6,900 households”, through facilitating and contributing towards New Zealand’s ambitions relating to decarbonisation, along with additional electricity generation capacity and adding resilience to the electricity supply situation.
<p>Minute 10 – 22 December 2025</p> <ul style="list-style-type: none"> Request from applicant to suspend application to allow time to respond to the information requests received from the panel. Panel grants suspension of application from Friday 19th December until Monday 19th January 2026. 	<p>19 January 2026</p> <p>Applicant provided responses to Minutes 8, 9 and 10 as requested by the panel including:</p> <ul style="list-style-type: none"> Memorandum of counsel for Matamata Development Limited Updated design guidelines in response to Minute 9 	

Panel Minute	Applicant Response to Panel Minutes	Note / Comments
	<ul style="list-style-type: none"> • Appendix A – Market Economics Analysis • Appendix B – Barker & Associates planning memorandum • Attachment 1 – Market Economics response to housing affordability distribution • Attachment 2 – Greenwoods Tree Canopy and Landscaping calculations 	
<p>Minute 11 – 22 January 2026</p> <p>Request for information and unsolicited correspondence</p> <ul style="list-style-type: none"> • Panel has accepted unsolicited correspondence from Mr Slattery • Panel notes applicant’s opposition to delivery of the solar farm being conditional on any aspect of the residential subdivision or retirement village • Panel requests the following information from applicant: <ul style="list-style-type: none"> ○ Assessment against the amended or new national direction instruments ○ Shared path along ‘spine road’ – Clarify references and engineering drawings. Provide a plan showing the shared path connection between Station Road and Smith Street. Clarify reference to use of Centennial Drive Reserve for commuting purposes ○ Consent conditions for stormwater management – advise of status of conditions and when they will be supplied to the Panel ○ On-site wastewater servicing retirement village – Provide a response to WRC 	<p>30 January 2026</p> <p>Applicant provided responses to Minutes 11 and 13 as requested by the Panel. This included:</p> <ul style="list-style-type: none"> • Memorandum of Counsel on behalf of MDL • Covering letter on behalf of the applicant • Attachment 1 – National Direction Instruments Assessment • Attachment 2 – Traffic Memorandum • Attachment 3 – Typical Rooding Cross-Sections and Station Road Drawing • Attachment 4 – Hydrogeology Memorandum • Attachment 5 – Updated Stormwater Management Plan • Attachment 6 – Infrastructure Report – Retirement Village 	<ul style="list-style-type: none"> • Applicant confirmed intention to provide an updated set of Proposed Conditions <i>incorporating Council feedback where agreed</i> on or before 13th February 2026. It was confirmed that updated conditions would incorporate the recommendations of all JWS. • An updated SMP was provided which included updates to Section 1.5 (Staging, Timing, Responsibility and Funding) to reflect the updates proposed under the Applicant’s s55 responses to the stormwater discharge points for the Retirement Village.

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Panel Minute	Applicant Response to Panel Minutes	Note / Comments
comment on cumulative effects of development in terms of wastewater discharge		
Minute 12 – 28 January 2026 <ul style="list-style-type: none"> Panel appointment of expert advisors for planning and conditions (Susannah Tait) and legal assistance (Alexandria Solly) 	N/A	N/A
Minute 13 – 29 January 2026 Panel request for the following information from applicant: <ul style="list-style-type: none"> Stormwater management plan – plans showing separate conveyancing channel to Waitoa River WGA Groundwater Memo – results of mounding assessment 	30 January 2026 Applicant provided responses to Minutes 11 and 13 as requested by the Panel. Of relevance to Minute 13, this included: <ul style="list-style-type: none"> Memorandum of Counsel on behalf of MDL Covering letter on behalf of the applicant Attachment 4 – Hydrogeology Memorandum Attachment 5 – Updated Stormwater Management Plan 	Refer summary of response above (Minute 11)
Minute 14 – 4 February 2026 Request for the following further information: <ul style="list-style-type: none"> Mounding assessment for proposed Stormwater Basin A Panel note that in the absence of a qualitative assessment of the natural hazards associated with the mounding calculation the Panel may not be able to approve the application, with respect to the residential land. Panel note they are considering the very real likelihood of declining approval for any development on highly productive land with the exceptions being the solar farms and greenway.	5 February 2026 Applicant provided response to Minute 14 requesting a suspension: <ul style="list-style-type: none"> Response from applicant to Minute 14 requesting a suspension 13 February 2026 Applicant responded to matters raised in Minute 14 from the panel: <ul style="list-style-type: none"> Memorandum of counsel for MDL – 13 February Memos: Hydrogeology Memo – Minute 14 Items 3 – 6 Engineering Memo – Minute 14 Item 7 	<ul style="list-style-type: none"> Memorandum of counsel for MDL dated 13 February submitted that a decision to decline approval for any development on HPL, or on the basis of inconsistency with the objectives and policies in the NPS-UD based on Ms Tait’s memorandum would be unsound. Memorandum of counsel for MDL dated 13 February submitted that the panel should prefer the evidence presented by the applicant regarding the application of Clause 3.10 of the NPS-HPL. Notwithstanding that, should the retirement village be deemed contrary to the NPS-HPL, that any inconsistency with this national direction instrument is outweighed

Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<p>Panel suggest the applicant consider requesting a suspension to allow time for the provision of further information and then consideration by the Panel.</p>	<ul style="list-style-type: none"> • Planning Memo – Minute 14 – Item 7 • Geotechnical Memo (Active Faulting) • Insight Economics Memo • Urban Design Memo • Market Economics Memo (Affordability) • NPS-HPL Memo • Proposed conditions: <ul style="list-style-type: none"> ○ SUB Day Zero MPDC Ashbourne ○ NES-CS Conditions MPDC Ashbourne Site wide ○ Residential – Schedule 1 – Residential & Greenway – List of Reports and Drawings and Engineering Drawings – C220 EW Cut and Fill ○ District – LUC Residential and Commercial MPDC Ashbourne, SUB Resi Commercial Greenway MPDC Ashbourne ○ Regional – WRC Drilling Resi Greenway Commercial, WRC Groundwater Diversion, WRC Groundwater Take Resi Greenway Commercial, WRC Land Disturbance, WRC NPSFM, WRC Outlet, WRC Stormwater Discharge, WRC Structure on Bed of Waterbody ○ Retirement (District) – LUC Retirement Village, SUB Retirement Village 	<p>when greatest weight is given to the purpose of the Act.</p> <ul style="list-style-type: none"> • NPS-HPL memo prepared by Jeremy Hunt from AgFirst directly responds to the conclusions drawn from Ms Tait and re-confirms the assessment and analysis provided by the applicant. • The urban design memo prepared by Mr Wallace on behalf of the applicant directly responds to the conclusions and assessment from Ms Tait regarding the application and interpretation of the NPS-UD. • The planning memo prepared by Barkers directly responds to the conclusions and assessment of Ms Tait regarding alignment with national, regional and local planning instruments. • The economic memo prepared by Market Economics directly responds to Ms Tait’s assessment and questions around the NPS-UD and specifically affordability.

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Panel Minute	Applicant Response to Panel Minutes	Note / Comments
	<ul style="list-style-type: none"> ○ Retirement (Regional) – WRC Drilling, WRC Groundwater Take, WRC Land Disturbance, WRC Stormwater Discharge, WRC Temp GW Take, WRC Wastewater Discharge ○ Solar Farms – Engineering Drawings (Northern Solar Farm) ○ Solar Farm (District) – LUC Northern Solar Farm, LUC Southern Solar Farm ○ Solar Farm (Regional) – WRC Northern Solar Farm Drilling and Temp GW Take, Southern Solar Farm Culvers, Southern Solar Farm Drilling and Temp GW Take 	
<p>Minute 15 – 5 February 2026</p> <ul style="list-style-type: none"> ● Applicant request for a suspension of 10 working days. ● Panel grants request for suspension from Thursday 5th February until Friday 20th February. 	N/A	N/A
<p>Minute 16 – 20 February 2026</p> <p>Stormwater Disposal Assessment</p> <ul style="list-style-type: none"> ● Panel note in advance of Ashbourne Draft Decision being released that upon receipt of Applicant’s response to Minute 14, a significant issue emerged regarding stormwater discharge consents. ● Panel sought advice from hydrogeologist Jon Williamson on 15 February 2026. 	<p>23 February 2026</p> <p>Applicant provided a memorandum of counsel in response to Minutes 16 and 17 noting the following:</p> <ul style="list-style-type: none"> ● that Mr Williamson did not benefit from participating in the earlier expert witness conference regarding stormwater issues, and had just three working days to prepare his advice, noting the substantial amount of relevant material which has been filed on those matters; 	<ul style="list-style-type: none"> ● Mr Williamson’s advice to the Panel was that the draft consent conditions proffered by the Applicant on 13 February 2026, did not adequately address the issues because they did not include recommendations from the JWS. This is incorrect, and recommended conditions were incorporated throughout the MPDC Land Use Consents for the Residential Development and Retirement Village, along with inclusion within Stormwater Discharge consents where deemed applicable. This is further summarised

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Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<ul style="list-style-type: none"> Mr Williamson provided his advice which concluded that <i>he had little confidence the stormwater disposal basin will have the required capacity during the design storm events and that draft consent conditions provide no pathway for addressing the areas of uncertainty.</i> Given onerous time constraints and the stormwater issues, the Panel is unable to approve the residential component of Ashbourne. 	<ul style="list-style-type: none"> Mr Williamson’s statement that necessary conditions do not include the recommendations from the JWS is not correct; and That “other issues” referenced by the Panel in Minute 17 are unknown to the Applicant and requested that the Applicant was given the opportunity to respond or file evidence with the Panel to address its concerns. 	<p>in the Applicant’s Planning Memo within the memorandum of counsel submitted on 27 February 2026 in response to Minute 16.</p>
<p>Minute 17 – 20 February 2026 Memorandum from the Applicant</p> <ul style="list-style-type: none"> In Minute 16, the Panel gave notice in advance of the Draft Decision being released on Monday 23 February that upon receipt of the Applicant’s response to Minute 14 a significant issue emerged regarding the stormwater discharge consents (following advice received from Jon Williamson). Panel received Memorandum of Counsel on behalf of the Applicant on 20 February requesting a suspension of processing to allow time to consider issues raised by Mr Williamson and for expert conferencing. Panel confirm there are other issues regarding Basin A, groundwater/stormwater, as well as other concerns relating to the residential subdivision proposal. Panel confirms Mr Williamson is available to conference on dates proposed. 	<p>27 February 2026 The Applicant submitted a memorandum of counsel addressing the points raised in the advice from Mr Jon Williamson, including:</p> <ul style="list-style-type: none"> Engineering memorandum prepared by Maven addressing stormwater matters; and Planning memorandum prepared by Barker and Associates addressing consent condition matters. <p>02 March 2026 A further memorandum in response to the points raised in the advice from Mr Jon Williamson was submitted:</p> <ul style="list-style-type: none"> Hydrogeology memo prepared by WGA addressing groundwater matters. 	<ul style="list-style-type: none"> The applicant in its Memorandum of Counsel dated 23 February 2026 identified that it was unaware of what the ‘other issues’ referenced by the Panel were and requested a conference directly with the Panel to understand the issues and concerns.

Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<ul style="list-style-type: none"> Panel confirms they are willing to direct a suspension as requested 		
<p>Minute 18 – 23 February 2026</p> <p>Suspension of processing and expert conferencing</p> <ul style="list-style-type: none"> On 20 February 2026, Panel received a request from the Applicant requesting a suspension of processing to allow time for it to consider stormwater issues raised by Mr Williamson and for expert conferencing. Panel granted requested suspension from Friday 20 February until Friday 27 February. Panel grants applicant request to undertake expert conferencing to resolve issues identified from Mr Williamson in relation to Basin A and the absence of appropriate conditions. Confirms expert conferencing is to take place between Monday 23 February and Wednesday 25 February. Signed joint witness statement to be filed with the EPA no later than 5pm Wednesday 25 February. The following parties are to attend expert conferencing – the Applicant, Jon Williamson, Waikato Regional Council and Matamata Piako District Council. EPA received correspondence from the owners of Lot 5 DP 365568 (0 Odium Drive) regarding the inclusion of this property in the January 2026 version of the SMP. Panel requests the applicant confirm whether this property has been included in the SMP in error, and if so, please confirm that the inclusion of the site has not informed any aspect of the calculations 	<p>24 February 2026</p> <p>Applicant provided two memorandum of counsel as follows:</p> <ul style="list-style-type: none"> An initial memorandum providing a response to matters raised in the joint memorandum of counsel filed on behalf of MPDC and WRC. A further memorandum addressing the request for information in relation to the owners of Lot 5 DP 365568, confirming that it's inclusion was an error. 	<ul style="list-style-type: none"> The Memorandum of Counsel notes that MDL were unaware of any outstanding information requests from either MPDC or WRC, and that prior to the filing of the Council's memorandum of counsel, MDL were unaware of any concerns as to the sufficiency of information.

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Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<p>contained in the SMP and provide a correct version.</p>		
<p>Minute 19 – 24 February 2026 (amended 25 February 2026)</p> <p>Response to memoranda from the Applicant and the Councils</p> <ul style="list-style-type: none"> • Panel confirm the issue of stormwater management on the Ashbourne site has been persistent throughout the course of the application. • Memorandum from Counsel for MPDC and WRC was received by the Panel on 23 February 2026 expressing concern it had received late notice of the proposed conferencing and requesting that conferencing be rescheduled to allow for input from Council specialists. • Panel expressed disappointment that the Applicant has not been engaging with MPDC and WRC on the issue of stormwater. • Panel note criticism of Mr Williamson’s involvement in giving advice to the Panel and challenging the advice he gave. • Panel noted concerns raised by the Applicant that aspects of the process adopted by the Panel does not accord with principles of natural justice. Minute stated the panel do not agree and that every effort has been made to request further information and keep the applicant advised on outstanding issues. • Panel advise that the request to confer with the Panel to understand the issues is not a course 	<p>26 February 2026</p> <p>A memorandum of Counsel was filed enquiring as to the Panel’s view on procedural matters under Sections 69 and 70 of the FTAA should a draft decision to decline be released.</p>	

Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<p>of action that accords with the provisions of the FTAA.</p> <ul style="list-style-type: none"> • Panel directs: <ul style="list-style-type: none"> ○ Expert conferencing be rescheduled to a date suitable for all the participating parties as soon as possible after the draft decision is issued; ○ The EPA appoint an independent facilitator to assist with expert conferencing; ○ Current agenda issues by the Panel on 23 February are considered and confirmed by MPDC and WRC experts; ○ Applicant make available all information and clarifications, not otherwise available on the fast track website ahead of conferencing. 		
<p>Minute 20 – 26 February 2026</p> <p>Response to memorandum of counsel dated 26 February 2026 from legal counsel for the applicant:</p> <ul style="list-style-type: none"> • Panel has considered the memorandum filed by counsel for the applicant dated 26 February 2026 and the concerns raised regarding process following the issuing of a draft decision. • Confirms that the applicant’s interpretation of section 70 of the Act is incorrect. • Panel notes that every effort has been made to ensure the applicant is informed of the Panel’s concerns and the applicant has had ample opportunity to provide material within the statutory timeframe. 	N/A	N/A

Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<ul style="list-style-type: none"> The applicant’s request for a conference with the Panel to discuss ‘outstanding issues’ is inconsistent with the Act. Confirms that s69 governs the procedure where a panel proposes to decline an approval in whole or part. Under s69 the applicant may, propose conditions, propose modifications or withdraw part of its application. S69 does not provide a right for the applicant to comment on the draft decision, lodge new evidence, or request further hearings or conferencing. Confirms that s70 of the Act sets the process where the Panel proposes to grant an approval. That requires the circulation of draft conditions. Despite the above, the Panel maintains its view expressed in Minute 19 that issuing the draft decision prior to expert conferencing remains both lawful and appropriate, including for a draft decision that contains both proposed grants and proposed declines. The significance of the outstanding stormwater and groundwater matters in relation to the draft decision is confirmed. 		
<p>Minute 21 – 2 March 2026 Extension to suspension of processing</p> <ul style="list-style-type: none"> Panel has considered the memorandum filed by the counsel for the applicant dated 27 February 2026 and the technical memorandum received on 2 March 2026 regarding additional material for conferencing and a request to extend the suspension period until 6 March 2026. 	N/A	N/A

Panel Minute	Applicant Response to Panel Minutes	Note / Comments
<ul style="list-style-type: none"> Panel grants extension and confirms the application will remain suspended until 6 March 2026. The application will recommence processing on 9 March 2026. 		

Expert Reports and advice for the Panel

Expert Advice	Applicant Response to advice	Notes / Comments
<p>Economics – 28 November Economic advice to the panel – Tim Denne</p>	<ul style="list-style-type: none"> A memorandum was prepared by Market Economics to directly respond to matters raised by Tim Denne in relation to the benefits of the solar farm in Minute 8, concluding that the solar farms would deliver “substantial benefits to both the Waikato region and New Zealand by adding generating capacity equivalent to the electricity needs of circa 6,900 households”, through facilitating and contributing towards New Zealand’s ambitions relating to decarbonisation, along with additional electricity generation capacity and adding resilience to the electricity supply situation. Other matters raised by Mr Denne were addressed through the Economics Joint Witness Statement dated 11 December. The Applicant’s economist maintained that: <ul style="list-style-type: none"> Ashbourne is regionally significant under the FTAA based on nine objective indicators (housing supply, retirement living, economic activity, wider system benefits, HPL opportunity cost, retail effects, infrastructure funding, timing, and overall costs/benefits) 	<ul style="list-style-type: none"> The Panel’s attention is drawn to the legal advice from Jeremy Brabant on 27 January 2026 confirming that most other fast track substantive considerations e.g. Rangitooopuni, Drury Metropolitan Centre, Drury Quarry, Kings Quarry and Waihi North relied upon an Economic Impact Assessment (EIA) rather than a Cost Benefit Analysis (CBA). Mr Brabant’s advice concluded that a CBA is not required and reliance can be placed on an EIA.

	<p>and that Mr Denne's competing methodology is flawed and unreliable.</p> <ul style="list-style-type: none"> ○ An Economic Impact Assessment combined with TEV is the appropriate analytical approach; Cost-Benefit Analysis is not required under the FTAA and is unworkable in practice due to unavailable data, parameter immeasurability, and discount rate sensitivity. ○ The multiplier-based EIA is methodologically sound and consistent with standard FTAA practice; infrastructure funding viability concerns raised by Mr Denne are rejected as unfounded and based on a misreading of the evidence, noting that the Applicant is entering into a PDA with the MPDC to cover all costs. 	
<p>Legal – 25 November 2025 Legal advice to the panel dated 25 November 2025 – Jeremy Brabant</p>	<p>A response to the advice provided by Mr Brabant was included in the Memorandum of Counsel submitted on 17 December 2025. In summary, the response to Mr Brabant's comments included:</p> <ul style="list-style-type: none"> • Mr Brabant's advice confirms that NPS-HPL directives on LUC 1-3 land must be avoided unless an exemption applies, but that the FTAA's purpose takes greatest weight where conflict arises between the two instruments. • The Applicant submits the solar farm component meets the clause 3.9(2) NPS-HPL exemption; even if it falls short, the proposal is consistent with that exemption's intent, and the land will continue to be used productively under agrivoltaic dual-use. 	<p>N/A</p>

	<ul style="list-style-type: none"> • The Applicant further contends, with expert support, that the site's soil, hydrological characteristics, and fragmentation limit its productive potential in any case, and that the Total Economic Value of the proposed land uses far exceeds the long-term value of continued agricultural production. • In response to the Minute, the Applicant has amended the proposal to reduce HPL impacts — removing the subdivision of Lots 8 and 9 (to be incorporated into the solar farm lot for grazing) and volunteering a Consent Notice condition restricting the Balance Lot to permitted activities under the District Plan. • The Applicant's overall position is that, even if the Panel finds an effective conflict with the NPS-HPL, these amendments — combined with the FTAA's purpose having greatest weight — mean approvals should be granted. 	
<p>Legal – 27 January 2026 Legal advice to the panel dated 27 January 2026 – Jeremy Brabant</p>	<p>A response to the advice provided by Mr Brabant was included in the Memorandum of Counsel submitted on 13 February 2026. In summary, the response to Mr Brabant's comments included:</p> <ul style="list-style-type: none"> • <u>NPS-HPL framework and the FTAA:</u> <ul style="list-style-type: none"> ○ The Applicant agrees with Mr Brabant's conclusion that the FTAA "could provide a way forward through or past the directives of the NPS-HPL" where effective conflict arises and greatest weight is given to the FTAA's purpose. ○ The Applicant accepts Mr Brabant's advice that the NPS-HPL cannot simply be disregarded but submits that Ms Tait's 	<p>N/A</p>

memorandum — which concludes there is "no pathway through the NPS-HPL" — is inconsistent with Mr Brabant's advice. As outlined in the memorandum of counsel filed on behalf of MDL, it considers that Ms Tait fundamentally misapplied the assessment framework by treating the matter as an RMA decision rather than engaging with the bespoke FTAA weighing exercise Mr Brabant described.

- MDL relies on Mr Brabant's confirmation that inconsistency with the NPS-HPL alone cannot be the basis for decline under s85(4), and that any adverse impact must be assessed against whether it is out of proportion to the project's regional and national benefits.
- Partial consent
 - The Applicant disagrees with Mr Brabant's view that the Panel is entitled to issue a partial consent. The Applicant submits that the Minister accepted the referral for the whole project, the approvals are properly characterised as a single approval, and the component parts are interdependent. Approving only parts may render the remainder financially unviable.
- Displacement
 - The Applicant agrees with Mr Brabant's January 2026 legal advice, which concluded that displacement is not an adverse effect of the proposal, that it is at most relevant to the scale or extent of economic benefits, and that the FTAA's purpose is enabling not protectionist.

	<ul style="list-style-type: none"> • <u>Significant regional benefits</u> <ul style="list-style-type: none"> ○ The Applicant notes Mr Brabant took "no issue" with the principles MDL identified in its December 2025 memorandum for assessing regional significance, and added three further matters the Panel may wish to consider when interpreting "significant." The Applicant considers that the proposal has significant regional and national benefits that outweigh any adverse impacts from NPS-HPL inconsistency. 	
<p>Planning – 3 January 2026 Planning advice to the panel – Susannah Tait</p>	<p>Applicant responded to expert reports and advice on 13 February 2026:</p> <ul style="list-style-type: none"> • Memorandum of counsel for MDL • Planning Memo – Minute 14 – Item 7 • Insight Economics Memo • Urban Design Memo • Market Economics Memo (Affordability) • NPS-HPL Memo • Geotechnical Memo (Active Faulting) 	<p>In my view, the responses provided by the applicant’s team in relation to Ms Tait’s planning advice were comprehensive and thorough. The evidence base clearly demonstrates that the Ashbourne proposal delivers significant regional benefits, satisfies the purpose and intent of the Fast Track Approvals Act and has demonstrated that it has good alignment with national, regional and local policy direction. I consider the proposal presents no statutory or evidential barrier to approval and represents the kind of integrated, strategically beneficial development that FTAA is designed to enable.</p> <p>Specifically, I note:</p> <ul style="list-style-type: none"> • As per the memo’s provided to the Panel, I consider that the planning advice from Ms Tait was incorrect and reflected an extremely narrow interpretation of national, regional and local objectives and policies. The assessment

		misrepresents the proposal and applicant's position.
<p>Hydrogeology – 18 February 2026 Stormwater disposal hydrogeological assessment by Jon Williamson</p>	<p>Two memorandums were prepared by WGA and submitted to the Panel on 02 March 2026 and alongside the Joint Witness Statement on 04 March 2026. These memoranda included:</p> <ul style="list-style-type: none"> • The Applicant responds to Mr Williamson's concerns about starting groundwater levels for the Basin A mounding assessment, noting that on-site piezometers were dry throughout the December 2024–August 2025 monitoring period and that a 30-year synthetic hydrograph constructed from a nearby WRC bore confirms groundwater rarely exceeds 4.5m bgl, with the most conservative modelled starting level (3.6m bgl) sitting 0.3m above the 30-year historic maximum. • The Applicant confirms that additional 24-hour storm duration modelling produces a soakage rate of 3,390 m³/day under conservative conditions, which exceeds Maven's minimum infiltration rates required to manage both the 10-year and 100-year ARI events including climate change allowance, and clarifies that a storage volume figure appearing in earlier tables was a redundant value not relevant to the mounding assessment. 	<p>Joint Witness Conferencing was undertaken on 04 March 2026.</p> <p>In addition, I note the following the Applicant's response to Minute 15 dated 13/02/2026, included conditions that addressed the conditions recommended in the relevant JWSS', in the following documents:</p> <ul style="list-style-type: none"> ○ LUC Residential and Commercial MPDC Ashbourne ○ WRC Stormwater Discharge Resi-Greenway-Commercial Ashbourne ○ LUC Retirement Village MPDC Ashbourne ○ WRC Retirement Village Stormwater Discharge

Expert conferencing and joint witness statements

Joint Witness Conferencing	Date Joint Witness Date Filed	Summary of JWS	Notes / Comments
<p>Joint Witness Statement – Groundwater & Stormwater Management</p> <ul style="list-style-type: none"> • Dean Morris (Maven) • Brendon Verhoeff (Maven) • Bronwyn Rhynd (CKL on behalf of MPDC) • Tony Cowbourne (Terrane Consultants on behalf of MPDC) • Megan Wood (Wainui Consulting on behalf of Waikato Regional Council) 	<p>16 December 2025</p>	<p><u>Stormwater / Erosion and Sediment Control</u></p> <p>As per the Panel’s direction, the experts discussed the interaction between erosion and sediment control measures and the high ground water table at the site.</p> <p>It was agreed by all parties that due the flexibility and timing of earthworks and construction phasing, this matter could be adequately captured in conditions of consent.</p> <p>Also agreed that no further investigation is required.</p> <p><u>Groundwater</u></p> <p>As per the Panel’s direction, the experts discussed the groundwater conditions at the Ashbourne site to demonstrate that those conditions have been adequately allowed for within the design.</p> <p>Experts discussed whether there is enough fill to achieve the finished ground levels.</p> <p>Agreement reach that finished ground level cannot be easily lowered within the residential and retirement villages from that specified in the Engineering Drawings. Maven prepared a further technical memo giving an updated</p>	<p>For clarity, agreed conditions of consent were included in the proposed conditions of consent submitted to the Panel on 13 February 2026. A full summary was provided as an Appendix to the Memorandum of Counsel submitted on 27 February 2026.</p>

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Joint Witness Conferencing	Date Joint Witness Date Filed	Summary of JWS	Notes / Comments
		earthworks balance and consideration of risk and potential contingency options. Other experts agreed the changes appear to be in the right order of magnitude.	
<p>Joint Witness Statement – Geotechnical Seismicity / Active Faulting</p> <ul style="list-style-type: none"> • David Sullivan (Matamata Development Ltd) • Greg Snook (Matamata Development Ltd) • Tony Cowbourne (MPDC) 	11 December 2025	<p><u>Geotechnical seismicity</u></p> <p>All experts agreed that active faulting is difficult to assess and that it is almost certain there will be a residual uncertainty contained within any assessment. Experts agreed it would be appropriate to say that Ashbourne does not require any further assessment for active faulting.</p> <p>Experts agreed a screening process should be adopted, with an initial desktop study being undertaken by GNS/Earth Sciences NZ.</p> <p>Agreed consent conditions should include:</p> <ul style="list-style-type: none"> • A SQEP from GNS/Earth Science NZ to be engaged to assess the potential for active faulting within the Ashbourne site via an initial desktop assessment, and specifically advise as to the need for further assessment. • The desktop assessment should be undertaken at the forefront of the detailed design stage for the Ashbourne project. 	<p>The following condition was incorporated into the proposed conditions of consent submitted to the Panel on 13 February 2026:</p> <p><i>“The Consent Holder shall engage a SQEP to carry out an earthquake fault hazard study. The results of this study shall be submitted to MPDC Team Leader – Engineering for review, prior to submission of EPA, including a table that identifies how any recommendations have been addressed, including where no changes have been made and the supporting rationale. The Consent Holder shall incorporate into the final detailed design any reasonably practicable recommendations identified that are agreed in writing by MPDC as necessary to address fault hazard risk.”</i></p> <p>For completeness, the condition was included on the following consents:</p> <ul style="list-style-type: none"> • MPDC Land Use Consent – Residential

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Joint Witness Conferencing	Date Joint Witness Date Filed	Summary of JWS	Notes / Comments
<p>Joint Witness Statement – Groundwater</p> <ul style="list-style-type: none"> • Clare Houlbrooke (Matamata Development Ltd) • Tony Cowbourne (MPDC) • Jon Williamson (Panel appointed hydrology and hydrogeology expert) 	<p>11 December 2025</p>	<p><u>Groundwater behaviour and data</u> Experts agree that groundwater at the Ashbourne site can be shallow at certain times of the year, and while existing monitoring data provides useful insight, it's limited in duration. Experts agreed longer-term monitoring and development of a synthetic hydrograph would better inform how drains must operate under varying conditions.</p> <p><u>Drainage and effect of development</u> Experts agree that in low-lying areas, drainage is necessary to control groundwater levels. Current farm drains suppress groundwater, and the proposed change to a sub-soil drainage network with closer spacing and deeper drains is expected to lower peak groundwater levels relative to existing conditions.</p> <p><u>Viability of sub-soil drainage</u> Experts agree that sub-soil drainage can be a viable method to actively control groundwater levels for stormwater disposal, provided detailed design is confirmed and</p>	<ul style="list-style-type: none"> • MPDC Land Use Consent – Retirement Village <p>For clarity, agreed conditions of consent were included in the proposed conditions of consent submitted to the Panel on 13 February 2026. A full summary was provided as an Appendix to the Memorandum of Counsel submitted on 27 February 2026.</p>

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Joint Witness Conferencing	Date Joint Witness Date Filed	Summary of JWS	Notes / Comments
		<p>supported by appropriate regulatory engagement.</p> <p><u>Detailed design and regulatory process</u></p> <p>Experts agreed that detailed design certification (design of drains and hydrogeological parameters) and a management plan for monitoring/maintenance is important and necessary.</p> <p><u>Conditions</u></p> <p>Experts agreed on recommended conditions requiring additional groundwater monitoring sites, development of a synthetic hydrograph and recharge analysis, and a management plan for how groundwater control features are monitored and maintained.</p>	
<p>Joint Witness Statement – Stormwater management</p> <ul style="list-style-type: none"> • Dean Morris (Matamata Development Ltd) • Mitchell Smith (Matamata Development Ltd) • Bronwyn Rhynd (CKL on behalf of MPDC) • Sheryl Roa (Waikato Regional Council) 	<p>11 December 2025</p>	<p><u>Stormwater Erosion and Sediment Control</u></p> <p>As directed by the Panel, concerns regarding stormwater discharge, flood risk, and erosion effects associated with the Greenway and its connection to the Waitoa River was discussed, along with clarification on attenuation criteria, the performance of Basin B under elevated groundwater, and the</p>	

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Joint Witness Conferencing	Date Joint Witness Date Filed	Summary of JWS	Notes / Comments
<ul style="list-style-type: none"> Megan Wood (Wainui Consulting on behalf of Waikato Regional Council) 		<p>assessment of effects across a range of storm events.</p> <p>All experts agreed the remaining matters can be resolved through outcome-oriented consent conditions, including the provision of an updated SMP to be reviewed by MPDC and WRC prior to commencement of works.</p> <p>The Applicant’s experts noted they consider sufficient information exists for the Panel to set conditions now, with outstanding technical detail to be resolved post-consent. MPDC and WRC experts noted the Panel has discretion to require the updated SMP prior to or post consent.</p> <p><u>WRC Drain Access and Capacity</u> Requirement to maintain access and pre-development capacity of WRC drain confirmed and accepted by all parties. Easements in favour of WRC to be secured, and updated SMP to address concerns.</p>	
<p>Joint Witness Statement – Economics</p> <ul style="list-style-type: none"> Fraser Colegrave (Matamata Development Ltd) Tim Heath (MPDC) 	11 December 2025	<p><u>Q1 How to determine regional significance</u></p> <p>The FTAA provides no statutory definition of significance. FC assessed it using nine objective indicators</p>	<ul style="list-style-type: none"> I re-iterate and draw the Panel’s that the legal advice from Jeremy Brabant on 27 January 2026 confirmed that most other fast

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Joint Witness Conferencing	Date Joint Witness Date Filed	Summary of JWS	Notes / Comments
<ul style="list-style-type: none"> Tim Denne (EPA) 		<p>covering housing market outcomes, retirement living, economic activity, wider system benefits, HPL opportunity cost, retail effects, infrastructure funding, timing, and overall costs/benefits. TD assessed it using four independently derived criteria and concluded Ashbourne shows no evidence of significant regional/national benefits. FC considers TD's methodology flawed on all four criteria. TH considers significance to be project- and context-specific, ultimately for the Panel to determine; TD's criteria are relevant but not exhaustive, and failure to meet them does not diminish significance if other benefits exist. TD maintains his criteria are consistent with maximising community welfare but acknowledges they are his own suggestion and untested.</p> <p><u>Q2: Relevance of existing and proposed housing capacity to 'regional significance'</u></p> <p>FC considers Matamata unlikely to have sufficient serviced, feasible housing capacity to meet future demand, and that significant regional benefits can flow regardless of whether capacity is perceived to be</p>	<p>track substantives e.g. Rangitoo-puni, Drury Metropolitan Centre, Drury Quarry, Kings Quarry and Waihi North all relied upon an Economic Impact Assessment (EIA) rather than a Cost Benefit Analysis (CBA). Mr Brabants advice concluded that a CBA is not required and reliance can be placed on an EIA.</p>

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Joint Witness Conferencing	Date Joint Witness Date Filed	Summary of JWS	Notes / Comments
		<p>sufficient. TD agrees with FC. TH considers existing housing supply a critical element of market evaluation and disagrees that Ashbourne will stimulate significant additional demand; considers displacement effects likely to limit net regional impact.</p> <p><u>Q3 Appropriate basis of assessment – CBA or EIA</u></p> <p>FC considers this a false dichotomy; his assessment combined EIA with a Total Economic Value (TEV) framework to address opportunity costs. FC considers TD's proposed CBA methodology unworkable due to unavailable data, unclear counterfactual, parameter immeasurability, overlapping surpluses, and discount rate sensitivity. TH agrees CBA is not required under the FTAA and considers EIA an appropriate indicative measure. TD maintains CBA is the right approach, that it forces analysts to identify opportunity costs across all resource inputs, and that EIA consistently fails to do this. TD concedes his GDP calculation comment was incorrectly worded but maintains the underlying point about treatment of labour costs stands.</p>	

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Joint Witness Conferencing	Date Joint Witness Date Filed	Summary of JWS	Notes / Comments
		<p>FC and TH agree that CBA is not required under the FTAA. TD disagrees.</p> <p><u>Q4 Multipliers used by the Applicant</u> FC used input-output (I-O) multipliers derived from Stats NZ source data to estimate direct and indirect economic activity. Multipliers were applied across project expenditure components (residential construction, civil works, solar, commercial, retirement village, etc.) to produce total one-time and ongoing activity estimates. TH was satisfied the methodology and outputs were appropriate for a project of this scale. TD acknowledged the additional explanation but noted the approach measures gross activity rather than net welfare gains, and that more references should have been supplied upfront.</p> <p><u>Q5 whether the proposal is of 'regional significance'</u> FC strongly maintains the proposal is regionally significant. TH considers the scale could be regarded as regionally significant but that consequential economic impacts are not significant</p>	

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		<p>once displacement effects are accounted for. TD considers it difficult to determine regional significance from the data provided, as the multiplier methodology reports average effects rather than project-specific impacts.</p> <p><u>Q6 Infrastructure Cost Viability</u></p> <p>FC rejects concerns about infrastructure funding viability, considers the applicant has clearly factored these costs into its workings, and that there is no evidence before the Panel suggesting the applicant would not meet its infrastructure funding obligations. TH considers the development should be viable with full payment of its fair share of infrastructure costs but notes a potential negative externality for Council from reduced growth in existing zoned areas. TD clarifies he has not argued the developer cannot pay, but that FC has not presented project-specific data sufficient to confirm viability.</p>	
<p>Joint Witness Statement – Stormwater and Groundwater</p> <ul style="list-style-type: none"> Dean Morris, Civil (Matamata Development Limited) 	<p>4 March 2026</p>	<p><u>Basin A – Groundwater levels for mounding assessment (Q1–Q2)</u></p> <p>The mounding assessment focused on Basin A, with other stormwater</p>	<p>I reiterate the following key critical points from the joint witness statement for the Panel:</p>

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Joint Witness Conferencing	Date Joint Witness Date Filed	Summary of JWS	Notes / Comments
<ul style="list-style-type: none"> • Will More, Civil (Matamata Development Limited) • Mitchell Smith, Civil (Matamata Development Limited) • Clare Houlbrooke, Hydrogeology (Matamata Development Limited) • Fraser McNutt, Planning (Matamata Development Limited) • Ben McKay, Geotech (Matamata Development Limited) • Kori Lentfer, Geotech (Matamata Development Limited) • Dave Sullivan, Geotech (Matamata Development Limited) • Megan Wood, Stormwater (Waikato Regional Council) • Sheryl Roa, Planning (Waikato Regional Council) • Bronwyn Rhynd, Stormwater (Matamata-Piako District Council) • Tony Cowbourne, Groundwater / Geology (Matamata-Piako District Council) • Marius Rademeyer, Planning (Matamata-Piako District Council) • Jon Williamson, Hdrogeology / Groundwater (appointed by Expert Panel) 		<p>devices now designed as wetlands with no soakage requirements. Using a synthetic hydrograph derived from WRC monitoring bore 64_831, the initial groundwater level of 3.6mBGL was established as the design level — 0.3m above the highest level recorded over a 30-year period.</p> <p>Agreed: CH and JW confirmed the 3.6mBGL initial groundwater level is appropriate for the 10- and 100-year ARI mounding assessment (including climate change) with appropriate factor of safety. CH and JW agreed there is sufficient soakage even under high initial groundwater conditions and 100-year storm events. The calculated soakage rate of 3,390m³/day under conservative conditions exceeds the minimum required for the 100-year ARI event with climate change (2,848m³/day). MW requested a cross-section through Basin A showing groundwater assessment results; DM and WM confirmed this will be included in the updated SMP.</p> <p><u>Catchment A soakage disposal (Q2–Q3)</u></p> <p>Basin A has been designed with redundancy beyond the required standards. Even in a zero-soakage</p>	<ul style="list-style-type: none"> • Experts agree the applicant’s groundwater and stormwater modelling is appropriate and robust. The mounding assessment uses a suitably conservative initial groundwater level, validated by both hydrogeologists. • Under all tested scenarios—including normal conditions, high groundwater, and even a hypothetical zero-soakage case, Basin A performs adequately and meets all relevant RIT, Waikato Regional Council, and MPDC standards. • The proposed stormwater design provides substantial redundancy and is suitable for consenting. It can accommodate and appropriately manage the 10 year and 100 year ARI. • Subsoil drains are not required to ensure geotechnical stability or stormwater performance. • Overall expert consensus supports the applicant’s

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		<p>scenario, the basin is of sufficient size to reduce overflow to less than pre-development flows for the 100-year event.</p> <p>Agreed: Soakage on lots and roads within Catchment A is not critical given the redundancy in Basin A. If soakage cannot be achieved, a piped network can be substituted. Stormwater management in Catchment A is adaptive — either soakage disposal or piped network.</p> <p><u>Consent conditions for Catchment A (Q5–Q6)</u></p> <p>Agreed: Modelling has been completed to a sufficient level. No additional draft conditions are required beyond those previously agreed in the 11 December 2025 JWS. JW confirmed the synthetic hydrograph no longer needs to be included in the draft conditions.</p> <p><u>Subsoil Drains (Q7–Q11)</u></p> <p>From a geotechnical perspective, geo-hazards (seismicity, liquefaction, lateral spread, slope stability, settlement) have been assessed using pre-development winter groundwater levels without reliance on groundwater management devices.</p>	<p>proposed framework. Across stormwater, groundwater, hydrogeology, and geotechnical specialisations, the experts confirm the applicant’s evidence, modelling, and proposed conditions are appropriate, achievable long-term, and consistent with good practice and regulatory requirements. No remaining technical barriers were identified.</p>

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		<p>The findings stand even if no subsoil drains are installed; if subsoil drains are installed and groundwater is lowered, geo-hazard risk is expected to reduce.</p> <p>Agreed: Subsoil drains are not required as a mitigation measure for geo-hazards, road foundations, or stormwater soakage disposal. Stormwater management is adaptive — soakage trenches where minimum groundwater clearance is achieved, piped reticulation where it is not. Updated drawings (C401 Rev B) will be provided as part of the updated SMP. TC noted he has not yet been able to correlate drain levels with design groundwater levels, with the missing link being a groundwater contour plan from the modelling; this uncertainty is covered by the adaptive management approach agreed in the 11 December 2025 JWS.</p>	