

To: Listed Projects Team – Ministry for the Environment

From: Grace Forno & Fraser McNutt – Barker & Associates Limited

Date: 3 December 2024

Re: **Planning Memorandum for Ashbourne**

1.0 Introduction

1.1 Ashbourne

Unity Developments engaged Barker & Associates ('B&A') to provide planning services for the master planning, consenting and design of *Ashbourne*. *Ashbourne* is located approximately 1.8 kilometres south-west of the centre of Matamata in the Waikato and comprises a total area of 125 hectares. *Ashbourne* is a multi-use development that includes four key precincts:

- (1) A new residential community, comprising circa 520 new residential units with a variety of densities, a green space and a commercial node;
- (2) A multi-functional greenway that weaves from the neighbourhood centre and commercial node to the Waitoa River on the site's western boundary with an active-mode pathway along the length;
- (3) A retirement living core, comprising 218 units, a hospital and supporting facilities that will be provided across a staged development; and
- (4) Two solar farms which will provide a sustainable energy resource onsite, with the potential to integrate into the wider electricity network to generate energy outside of the immediate development.

This three-stage development, with each of the four key precincts having their own sub-stages, will ensure demand is met over the short, medium and long term.

The 42-hectare residential community is underpinned by a series of design principles, which focus on creating a well-connected, legible and diverse community on the edge of Matamata. The eight-stage development is framed around a central spine road which runs from Station Road, to the north of the site, down to the eastern boundary. Intersecting this is a secondary spine road connection to link the wider residential precinct to the commercial node, green space and greenway. This transport network, supported by local roads, pedestrian and cycle connections, enables a legible grid structure in the residential area. A range of housing typologies and densities are proposed to meet the growing and changing needs of the housing market to ensure there are options for future residents.

The commercial node located in the heart of the development, includes a number of amenities and services to support the *Ashbourne* development, wider community and local economy, such as local shops, a childcare facility and a café. The commercial node comprises an area of 0.75 hectares in the centre of the Ashbourne development, that includes a number of commercial properties, café, childcare facility and superette. This element of the proposal has been scaled to support the density proposed in the residential

and retirement village components to ensure it does not threaten the primary purpose of the town centre of Matamata.

The multi-functional greenway links the commercial node and open spaces of the *Ashbourne* development area. This corridor interconnects infrastructure, cultural narrative, ecological wellbeing, connectivity and amenity to support a place-based identity. A number of uses are proposed along this corridor to encourage future residents to interact with the greenway, such as sheltered rest areas for relaxation and socialisation, active mode pathways, and play areas.

To support the growing demand for retirement living in Matamata, *Ashbourne* is anticipated to deliver 218 retirement living units, as well as the supporting healthcare and community facilities across an area of 19 hectares. A staged approach is proposed, from east to west, to establish a high-quality development overlooking the greenway.

Two solar farms are proposed to produce energy for over 7,000 homes per year, with the ability of powering not only *Ashbourne* but the wider community. The northern solar farm has an area of 12.7 hectares, while the southern solar farm is twice the size with an area of 24 hectares. An underpinning design principle of the solar farms is the dual-use, with agrivoltaic farming proposed to be undertaken underneath the solar panels to promote sustainability and preserve the identified highly productive land. Typical landscaping, planting and security will complement the solar farms to ensure their integration with the wider *Ashbourne* development.

1.2 The Site

The site, *Ashbourne*, is situated within the Matamata-Piako District, approximately 1.8 kilometres to the south-west of the centre of Matamata. Located on the edge of Matamata, the site adjoins existing rural living and general residential areas to the north, as well as rural land to the south. It is bound to the west by Waitoa River, which clearly delineates the site from the adjacent rural land. Spatially, the site is well located to a number of amenities and services, including within an 800 metre catchment of the town centre, education facilities (Matamata College, Matamata Intermediate School, and Firth Primary School) and public open spaces.

The site is made up of several land parcels, as outlined in Table 1, that together form a total area of 125 hectares. This is divided into two larger blocks of land, the northern area and the southern area, which are both access from Station Road – one to the north and one to the south respectively.

The northern area is zoned General Rural, while the southern area has a split zoning of General Rural and Rural Lifestyle. A portion of this southern area is located within the Eldonwood South Structure Plan, also with split zoning of Rural Residential 1 and Rural Residential 2.

Currently, the site predominantly comprises of lots in pasture, rural lifestyle and rural activities. Images of the site are included as Figure 1.

Table 1: Site's Land Parcels.

Appellation	Landowner Name(s)	Area (hectares)
Lot 2 Deposited Plan 567678 Lot 2 Deposited Plan 21055	[REDACTED]	41
Lot 1 Deposited Plan South Auckland 65481	[REDACTED] [REDACTED]	4

Lot 4 Deposited Plan 384886		0.9
Lot 5 Deposited Plan 384886		8
Lot 204 Deposited Plan 535395 Lot 25, 106 Deposited Plan 393306		24
Lot 3 Deposited Plan South Auckland 14362		14
Part Lot 1 Deposited Plan 21055		34



Figure 1: Images of the Site.

2.0 Experience

B&A have provided planning expertise on a wide range of developments, under the Resource Management Act 1991, COVID-19 Recovery (Fast-track Consenting) Act 2020, and the recent Fast Track Approvals Bill. This includes, but is not limited to: providing planning advice; referral applications; obtaining resource consents under District Plans, Regional Plans, and National Environmental Standards; consultation; and expert witness conferencing.

2.1 Rotokauri Greenway & Minor Arterial Fast-track Consent

B&A were responsible for the planning inputs for the 'Rotokauri Greenway & Minor Arterial Transport Corridor' resource consent application. On behalf of Hamilton City Council and Hounsell Holdings Limited, B&A obtained a comprehensive suite of resource consents for the construction of the Rotokauri Greenway and Minor Arterial transport corridor, under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Located in Rotokauri, Hamilton, this development involves the construction of a 4.7 kilometre length greenway corridor between two lakes to effectively manage and attenuate stormwater within the catchment, construction of artificial wetlands for stormwater treatment, construction of a 1.3 kilometre Minor Arterial transport corridor, and supporting infrastructure.

This primarily infrastructure project was complex, particularly as it involved works within designation and notice of requirement areas, with several ecological matters (such as black mudfish and natural wetlands) that required offsetting and compensation.

B&A led and supported with the following:

- Coordination of specialist documentation;
- Consultation with stakeholder, including territorial authorities, Mana Whenua, and adjoining landowners;
- Preparation and filing of the referral application;
- Preparation and lodgement of the resource consent application;
- Participation in expert witness conferencing;
- Obtaining Section 176 Approval; and
- Review of draft conditions.

Resource consent was granted by the panel, subject to conditions of consent, on 17 July 2024.

2.2 Current Projects under Fast-track Approvals Bill

B&A are continuing their involvement with fast-track projects, with the referral applications prepared for a number of those listed on Schedule 2 of the Fast-track Approvals Bill. Of particular relevance to *Ashbourne* is 'Southern Links 1' and 'Wallace Road Stage 1A and 1B subdivision and land use consent with associated roading and infrastructure', which are both housing and land development projects.

Southern Links 1

B&A led the preparation of the referral application for 'Southern Links 1', which was successfully listed. This project enables extensive greenfield development that comprises 48 hectares of residential development to deliver 1,035 residential units and 66 hectares of industrial development. The project extends across multiple territorial boundaries and triggers a number of both regional and territorial resource consents.

B&A will be responsible for coordinating the fast-track application, providing input into the design, oversight of consultation, and preparation of the application.

Wallace Road Stage 1A and 1B

B&A led the preparation of the referral application for 'Wallace Road Stage 1A and 1B subdivision and land use consent with associated roading and infrastructure', which was successfully listed. This project enables greenfield development of 115 hectares to deliver 230 residential units. The project triggers a number of both regional and territorial resource consents, specifically in relation to land use, transport corridors, infrastructure, and subdivision.

B&A will be responsible for coordinating the fast-track application, providing input into the design, oversight of consultation, and preparation of the application.

3.0 Reason for Consent

3.1 Matamata-Piako District Plan

The proposal would potentially trigger resource consent under the Matamata-Piako District Plan for the following reasons:

- Activities undertaken on known contaminated sites [**Discretionary Activity**];
- More than two dwellings per urban site [**Discretionary & Non-complying Activities**];
- Accommodation Facilities [**Discretionary Activity**];
- Commercial Services [**Non-complying Activity**];
- Medical Facilities [**Non-complying Activity**];
- Offices [**Non-complying Activity**];
- Retailing [**Non-complying Activity**];
- Signage;
- Infrastructure & Servicing;
- Subdivision; and
- Transport Corridors.

Overall, under the Matamata-Piako District Plan, the proposal requires resource consent as a **Non-complying Activity**.

3.2 Waikato Regional Plan

The proposal would potentially trigger resource consent under the Waikato Regional Plan for the following reasons:

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- Chapter 3 – Water Module
 - Groundwater Take
 - To be conservative, a temporary groundwater take will be sought for the purpose of dewatering to lower the groundwater table during construction under **Discretionary Activity** Rule 3.3.4.24.
 - To be conservative, a groundwater take will be sought for the alternative water supply source (via a bore if the existing water supply network cannot service the development) under **Discretionary Activity** Rule 3.3.4.24.
 - Surface Water Take
 - To be conservative, a surface water take will be sought for the purpose of dust suppression during earthworks under **Controlled Activity** Rule 3.3.4.16.
 - It is noted that it is not considered appropriate to seek a surface water take in relation to the temporary diversion of groundwater as the surface water will be temporarily diverted via the stormwater channel.
 - Discharge Permit
 - The proposal will require resource consent under **Discretionary Activity** Rule 3.5.11.8 for the discharge of stormwater to a new stormwater basin or new greenway from the urban development.
 - To be conservative, resource consent for a discharge of water or sediment-laden water will be sought for the purpose of temporary dewatering activities, which is not provided for and will be sought under **Discretionary Activity** Rule 3.5.10.2.
 - Damming Permit
 - The proposal will require resource consent under **Controlled Activity** Rule 3.6.4.9, **Controlled Activity** Rule 3.6.4.12 and **Discretionary Activity** Rule 3.6.4.14 for the damming of water to establish the new stormwater basins and new greenway.
 - Diversion Permit
 - The proposal will require resource consent under **Discretionary Activity** Rule 3.6.4.13 to divert groundwater to lower the groundwater table for the purpose of the new stormwater basins and new greenway.
 - Drainage of Wetlands
 - As it has not been confirmed, to be conservative, the proposal will seek resource consent for the potential drainage of wetland(s) under **Discretionary Activity** Rule 3.7.4.7.
 - Drilling
 - To be conservative, the proposal may require drilling for dewatering under **Controlled Activity** Rule 3.8.4.7.
- Chapter 4 – River & Lake Bed Module
 - Culverts

- The proposal will require resource consent under **Controlled Activity** Rule 4.2.9.3 for the installation of culverts in a catchment not exceeding 500 hectares.
- Chapter 5 – Land & Soil Module
 - Soil Disturbance
 - The proposal will require resource consent under **Discretionary Activity** Rule 5.1.4.15 as the soil disturbance activities exceed 1,000m³ across an area of more than two hectares.
 - The proposal will require resource consent under **Discretionary Activity** Rule 5.2.5.3 for large scale overburden disposal.

3.3 National Environmental Standards

The proposal would potentially trigger resource consent under the following National Environmental Standards:

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011:
 - The site investigation confirmed that the site is considered to be a ‘piece of land’ under Regulation 5(7) of the NES:CS as HAIL A10 is more than likely than not to have occurred, as confirmed via the presence of organochlorine pesticides in selected soil samples. Regulation 9(3) for the change of land use and for future soil disturbance as part of future developments requires consent as a **Controlled Activity**.
- National Environmental Standards for Freshwater Management:
 - Regulation 45C (4) and (5) for the diversion of water and the discharge of water into water within a 100 metre setback of natural inland wetland respectively require consent as a **Restricted Discretionary Activity**.

4.0 Statutory Planning Framework

4.1 National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2020 (**‘NPS-FM’**) seeks to manage natural and physical resources to prioritise firstly, the health and well-being of water bodies and freshwater ecosystems, secondly, the health and needs of people, and thirdly the ability to provide for the social, economic, and cultural well-being of people and communities.

It is considered that the project is consistent with the relevant policies of the NPS-FM that relate to land development for the following reasons:

- The development of Ashbourne provides opportunity for ecological restoration of an area that has particularly low ecological value.
- The project seeks to minimise greenhouse gas emissions where possible through this development. The nature of the proposal is to provide infrastructure that will enable efficiencies that will support the reduction of greenhouse gas emissions.

- The greenway seeks to improve the health and well-being of Waitoa River by treating stormwater prior to discharge. Once constructed, the greenway will operate to treat stormwater runoff before it reaches Waitoa River to ensure filtration occurs. They direct and slow stormwater across the ground cover and through the soil, to support the filtration of sediments, nutrients and contaminations from incoming stormwater before discharging into the Waitoa River.
- Mana Whenua have been involved and consulted to this point of the project, which will continue to occur. The project will incorporate cultural values in its design, using Mana Whenua expertise to integrate their values and cultural heritage (which is currently largely invisible).
- Maximising the opportunities within the proposed reserve and open space areas for future enhancement, particularly within the buffer areas including ecological restoration and enhancement, replanting and offsetting.
- Significant opportunities for restoration and enhancement across the site, including through the maintenance of habitat and vegetation cover where possible.
- Ongoing monitoring will take place to ensure the condition of water bodies and freshwater ecosystems is not degraded.

Based on the assessment above, it is considered that the project is consistent with the NPS-FM.

4.2 National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land 2022 ('NPS-HPL') ensures the availability of New Zealand's most favourable soils for food and fibre production, now and future generations. It is noted the NPS-HPL recently came into effect on 17 October 2022, and was amended in August 2024.

The Ashbourne site is generally classified as moderate productive land, as it is mapped as Land Use Capability ('LUC') 2.

The objective of the NPS-HPL is to protect highly productive land for use in land-based primary production, however, there are exceptions to this in particular circumstances.

As a Tier 3 territorial authority, under Clause 3.6(4), Matamata-Piako District Council may allow urban rezoning of highly productive land if:

- (a) the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
- (b) there are no other reasonably practicable and feasible options for providing the required development capacity; and*
- (c) the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

Further, under Clause 3.10, Matamata-Piako District Council may allow highly productive land to be subdivided, used or developed if satisfied that:

- (a) there are permanent or long-term constraints on the land that mean the use of the highly productive land for land-based primary production is not able to be economically viable for at least 30 years; and*
- (b) the subdivision, use, or development:*

- (i) *avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district; and*
- (ii) *avoids the fragmentation of large and geographically cohesive areas of highly productive land; and*
- (iii) *avoids if possible, or otherwise mitigates, any potential reverse sensitivity effects on surrounding land-based primary production from the subdivision, use, or development; and*
- (c) *the environmental, social, cultural and economic benefits of the subdivision, use, or development outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

Firstly, it is importantly noted that the *Land Use Capability Classification Assessment* concludes the regional mapping to be an overestimation, with detailed mapping indicating that the northern area comprises 13% LUC 1, 30% LUC 2, 53% LUC 3, and the balance as non-productive. In relation to the southern area, the larger portion of the site, the detailed mapping indicated that the area comprises 79% LUC 2, 12% LUC 3, and the balance as non-productive.

With regard to the proposed residential and retirement living development, it is considered this criteria can be met for the following reasons:

- The Housing Assessment¹ identified a long-term housing shortfall in Matamata which this proposal is able to deliver and to create a well-functioning urban environment with several environmental, social, cultural and economic benefits.
- The site has been identified as appropriate and practicable for future urban development with a portion of the site within the Eldonwood Structure Plan.
- As aforementioned, the productivity of the land is limited, as outlined in the *Land Use Capability Classification Assessment*.
- The supply proposed by **Ashbourne** will support a reduction of loss of 'more productive' highly productive land within the district as it provides the necessary supply to meet demand in an appropriate and practicable location in Matamata.
- The site avoids the fragmentation of highly productive land with the clear delineation resultant from the Waitoa River.
- EcoResto prepared an *Ecology Memorandum* that the current ecological environment is limited as a result of intensive farming, with only exotic shrubs and trees remaining, and low biodiversity. Further to this, it is considered the existing environmental value of the site is low, which **Ashbourne** seeks to enhance. The Greenway, engineering design and planting will all contribute to the delivery of environmental benefits.
- Insight Economics prepared an *Economics Memorandum* that identifies that **Ashbourne** can achieve social and economic benefits that outweigh the long-term social and economic costs associated with the loss of this classified highly productive land. Insight Economics propose to demonstrate this through the total economic value framework.

¹ Housing Assessment 2022, Matamata-Piako District Council [June 2022].

- Te Hira prepared an *Kaitaki Memorandum* that discusses the existing cultural context in relation to the site and then provides a number of measures and strategies that can be incorporated into *Ashbourne* that enhance the cultural environment and deliver positive cultural benefits.
- It is considered through design, particularly with cultural and ecological input, *Ashbourne* can deliver a development that provides environmental, social, cultural and economic benefits that outweigh the long-term environmental, social, cultural and economic costs associated with the loss of highly productive land.

With regard to the proposed solar farms, the assessment pathway under the NPS-HPL is different as Clause 3.9(2)(j)(i)² allows ‘specified infrastructure’ to be constructed on highly productive land, which includes energy infrastructure, like solar farms, as a ‘lifeline utility’. For clarity, Clause 3.9(2)(j)(i) is as follows:

- (2) *A use or development of highly productive land is inappropriate except where at least one of the following applies to the use or development, and the measures in subclause (3) are applied:*
 - (j) *it is associated with one of the following, and there is a functional or operational need for the use or development to be on the highly productive land:*
 - (i) *the development, operation, or decommissioning of specified infrastructure, including (but not limited to) its construction, maintenance, upgrade, expansion, replacement, or removal.*

Clause 3.9(3) requires territorial authorities to ensure that any use or development on highly productive land:

- (a) *minimises or mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land in their district; and*
- (b) *avoids if possible, or otherwise mitigates, any actual or potential reverse sensitivity effects on land-based primary production activities from the use or development.*

It is considered that the proposal can demonstrate that it minimises and mitigates any actual loss or potential cumulative loss of the availability and productive capacity of highly productive land and avoids reverse sensitivity effects. This can be demonstrated through a resource consent application. It is noted that the design of the solar farms is underpinned by the principle of the solar farms is the dual-use, with agrivoltaic farming proposed to be undertaken underneath the solar panels to promote sustainability and preserve the identified highly productive land.

Based on the assessment above, it is considered that the project is consistent with the NPS-HPL.

4.3 National Policy Statement for Indigenous Biodiversity

The National Policy Statement for Indigenous Biodiversity (**‘NPS-IB’**) ensures the protection, maintenance and restoration of New Zealand’s most threatened indigenous species. It is noted that the NPS-IB recently came into effect, gazetted on 4 August 2023.

It is considered that the project is consistent with the relevant objectives and policies of the NPS-IB for the following reasons:

- This project seeks to maintain and enhance indigenous biodiversity.

² Note: this was updated in August 2024.

- The applicant has regularly engaged with local tangata whenua to recognise and provide for Hutia Te Rito in the management of indigenous biodiversity. Several options to managing this indigenous species were considered to ensure a holistic and integrated approach was being undertaken.
- Ashbourne will include a variety of indigenous plants and seeks to retain and enhance indigenous biodiversity, which will promote peoples' wellbeing and allow current and future communities to connect with nature.
- Indigenous biodiversity can be protected from the effects of climate change and be utilised to reduce the effects of climate change, with significant planting of indigenous species proposed for the greenway.
- The project seeks to maintain and enhance existing indigenous biodiversity. Any areas of significant indigenous vegetation or significant habitat of indigenous fauna will be identified and appropriately managed.
- Ongoing monitoring will be undertaken, as is already required in accordance with existing consents.

Based on the assessment above, it is considered that the project is consistent with the draft proposed NPS-IB.

4.4 National Policy Statement for Renewable Electricity Generation

The National Policy Statement for Renewable Electricity Generation 2011 ('NPS-REG') provides for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. The NPS-REG recognises the importance of renewable energy, including solar, and its contribution to achieving the target of 90% of electricity from renewable sources by 2025.

It is considered that the project is consistent with the relevant objective and policies of the NPS-REG for the following reasons:

- Ashbourne includes two solar farms that provide a sustainable energy resource onsite, with the potential to integrate into the wider electricity network to generate energy outside of the immediate development. The two solar farms will have a combined capacity to produce energy for over 7,000 homes per year.
- The proposal utilises solar as a renewable natural resource, which diversifies both the type and location of electricity generation in Matamata.
- The proposal supports the national target for the generation of electricity from renewable resources.
- The design of the solar farms is underpinned by the principle of the solar farms is the dual-use, with agrivoltaic farming proposed to be undertaken underneath the solar panels to promote sustainability and preserve the identified highly productive land.
- Appropriate mitigation is proposed, specifically in relation to reverse sensitivity, with typical landscaping, planting and security incorporated to complement the solar farms and ensure their integration with the wider Ashbourne development and surrounding environment.

Based on the assessment above, it is considered that the project is consistent with the NPS-REG.

4.5 National Policy Statement on Urban Development

The National Policy Statement on Urban Development 2020 ('NPS-UD') ensures New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It removes overly restrictive barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure. It is noted that this legislation was amended in accordance with section 77S(1) of the RMA and notified on 11 May 2022.

The NPS-UD enables the development of land and infrastructure for urban land uses while recognising the national significance of well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing (Objective 1 and Policy 1).

It is considered that the project is consistent with the relevant objectives and policies of the NPS-UD and will contribute to a well-functioning urban environment for the following reasons:

- Ashbourne delivers an integrated, multi-functional development that includes over 500 new homes and over 200 retirement living units. This provides the opportunity for a variety of housing types, locations and prices in a logical and accessible location.
- Ashbourne enables people to provide for the social, economic and cultural wellbeing, with the commercial node offering services, employment opportunities and community facilities, and the greenway offering accessibility, natural and open spaces, and cultural wayfinding.
- The site has good accessibility for all people to services, activities and amenity, particularly into Matamata. In addition, it encourages and promotes active transport through a range of walking and cycling options to housing, employment, schools, community services and open spaces.
- The project takes into consideration climate change, particularly through the management of flooding hazards via the stormwater management provided by the greenway, and incorporates measures to support the reduction of greenhouse gas emissions (such as renewable electricity generation via the solar farms and active mode transport infrastructure).
- The project is well suited to the local area and is strongly aligned with delivering a well-functioning urban environment that reduces climate change through providing infrastructure and services in an integrated manner.

Based on the assessment above, it is considered that the project is consistent with the NPS-UD.

4.6 National Environmental Standards for Air Quality

The Resource Management (National Environmental Standards for Air Quality) Regulations 2004 ('NES:AQ') sets standards to guarantee a minimum level of health protection for people living in New Zealand.

No specific consents relating to this standard are required for the Project, although the relevant regulations in the NES:AQ have informed the assessment of construction and operational air quality effects. The potential for effects on air quality in relation to the Project relate primarily to dust during the construction phase. Measures are proposed to manage potential effects in response to the air quality objectives and policies.

The management of dust and odour will be addressed in the Construction Management Plan and an Erosion and Sediment Control Plan. As such, ambient air quality will be maintained once Ashbourne is constructed.

4.7 National Environmental Standards for Freshwater

The Resource Management (National Environmental Standard for Freshwater) Regulations 2020 ('**NES:F**') sets standards to regulate activities that pose risks to the health of freshwater and freshwater ecosystems. Of particular relevance to the project are provisions which prohibit works in and around natural wetlands, and works affecting rivers and streams. Resource consent will be required under the NES:F as works are proposed within a 100 metre setback of natural inland wetlands.

Regulation 45C (4) and (5) for the diversion of water and the discharge of water into water within a 100 metre setback of natural inland wetland respectively require consent as a **Restricted Discretionary Activity**.

4.8 National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ('**NES:CS**') sets a nationally consistent set of planning controls and soil contaminant values.

SLR Consulting New Zealand ('**SLR**') have undertaken a combined Preliminary Site Investigation and Detailed Site Investigation ('**PSI/DSI**') for the site, as appended to the referral application. The key findings of the PSI/DSI are:

- Following a desktop review, the following Hazardous Activities and Industries List ('**HAIL**') activities were identified as having potentially occurred on the site:
 - **A10**: Persistent pesticide bulk storage or use – associated with the accumulation of organochlorine pesticides from the repeated use of pesticides across the areas of land used for cropping;
 - **E1**: Asbestos products manufacture or disposal – given the age of the former building at the site, there is the potential that asbestos-containing products had been used, therefore there is the potential that asbestos has impacted soil around the building;
 - **G3**: Landfill sites – associated with uncontrolled fill of historic surface depressions; and
 - **I**: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment – associated with:
 - Lead in shallow soils around the existing buildings and at locations where former buildings have been removed; and
 - Accumulation of cadmium and zinc in soils from the repeated application of superphosphate across pastoral land.
- Soil samples were collected from 52 locations across the site;
- The analytical results of soil sampling identified:
 - Asbestos was not detected in any analysed samples;
 - Concentrations of all heavy metals analysed were below the respective NES:CS Soil Contaminant Standards (SCS) for residential (10% produce) and below the Ecological Soil Guideline Values (Eco-SGVs);

- Polycyclic Aromatic Hydrocarbons were not detected above the laboratory limit of reporting; and
- Organochlorine pesticides were detected in four samples, however concentrations were reported below the NES:CS SCS and Eco-SGVs.
- The site investigation confirmed that the site is considered to be a 'piece of land' under Regulation 5(7) of the NES:CS as HAIL A10 is more than likely than not to have occurred, as confirmed via the presence of organochlorine pesticides in selected soil samples. Heavy metal concentrations in soil samples were above the predicted background soil concentrations, but below NES:CS SCS concentrations. Therefore, a **Controlled Activity** consent under **Regulation 9(3)** of the NES:CS is required to undertake the change of land use and for future soil disturbance as part of future developments.

Resource consent will be required under **Regulation 9(3)** of the NES:CS as a **Controlled Activity**. On this basis, any requirements of the NES:CS can be addressed as part of an application post-referral and potential risks to human health can be appropriately managed and mitigated.

5.0 Assessment of Effects

The proposal will not generate significant adverse environmental effects, as any adverse effects on the environment will be appropriately avoided, remedied or mitigated to be minor or less than minor in nature. The key potential adverse effects are addressed in general below and should be reviewed in conjunction with the supporting technical expert memorandums accompanying this application.

5.1 Construction Effects

Contaminated Land

As outlined in **Section 4.8**, the site investigation confirmed that persistent pesticide bulk storage or use is more than likely than not to have occurred on the site. It is considered that this can be mitigated through remediation prior to earthworks commencing on site.

Earthworks

Earthworks for the project will be carried out in accordance with best practice appropriate erosion and sediment control measures to ensure potential adverse effects are avoided or minimised. Earthworks are proposed to be carried out during the summer earthworks season to reduce the potential discharge of sediment into receiving waters. Any potential adverse effects are able to be mitigated and managed via an Erosion and Sediment Control Plan.

Dust

During construction, it is anticipated that there will be dust generated by the earthworks and land disturbance, which is able to be mitigated and managed via an Erosion and Sediment Control Plan.

Construction Noise & Vibration

During construction, noise and vibration is anticipated to occur as a result of the works proposed to be carried out on the site. Construction will be managed in accordance with the NZS 6803:1999 Acoustics – Construction Noise and German Standard DIN 4150-3:1999 Structural vibration – Effects of vibration on structures.

Construction noise and vibration, particularly during any rock breaking, will be managed in accordance with a Construction Noise and Vibration Management Plan ('CNVMP'). The CNVMP will outline measures, such as restrictions on days and hours on noisy works, consultation with neighbours and use of quieter machinery (among others) to ensure that potential construction noise effects of the project are appropriately managed.

Construction Traffic

It is anticipated that there will be potential adverse traffic effects as a result of the construction of *Ashbourne*. A series of upgrades will be required on adjoining transport corridors, such as Station Road, which will result in potential delays and traffic on these corridors while construction occurs. This will be managed through phasing and delivery during off peak periods.

Construction traffic effects will be temporary and will be managed in accordance with a Construction Traffic Management Plan ('CTMP'). The CTMP will outline measures such as anticipated number of truck movements per day and truck routes (among other measures) to ensure that the potential construction traffic effects of the project are appropriately managed. The bulk of construction and related earthwork traffic movements will be kept within the site constraints and have little impact wider afield.

5.2 Infrastructure & Servicing

Maven Associates have prepared an *Infrastructure Memorandum* with accompanying drawings, appended to the referral application, that demonstrate that the proposal can be appropriately serviced, hence there is not considered to be any significant adverse effects in relation to infrastructure and servicing.

5.3 Transportation

Commute have prepared a *Transportation Memorandum*, appended to the referral application, that details the transportation approach and how *Ashbourne* can integrate with the wider transport network. The design of the proposed transport corridors prioritises safety and emission reduction to ensure alignment with national and regional transport planning documents.

5.4 Character & Amenities

Character

As aforementioned, the site currently predominantly comprises of lots in pasture, rural lifestyle and rural activities. The surrounding area is a mix of rural, rural lifestyle, and residential. Due to the site's proximity to the urban fringe of Matamata and the natural site boundary of the Waitoa River, there is an opportunity to integrate with the surrounding mixed character.

As discussed below, the proposal will need to be carefully designed to integrate with the mixed character context of the area, with a strong focus on the transition from urban to rural. This will be achieved through a range of design measures, such as locating the commercial node in the centre of the development, smaller lots being internalised, and the agrivoltaic farming being undertaken beneath the solar panels to retain farming activities.

Urban Design

Barker & Associates have prepared an *Urban Design Memorandum*, appended to the referral application, that details the potential urban design effects of the proposal. These are separated into the four precincts, as summarised below.

Barker & Associates

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Kerikeri | Whangārei | Warkworth | Auckland | Hamilton | Cambridge | Tauranga | Napier | Wellington | Christchurch | Wānaka & Queenstown

- Residential Precinct:
 - The transition from larger rural-residential lots adjoining the site to the north, to the smaller residential blocks proposed will create a visual change to the adjoining properties as well as the wider neighbourhood context.
 - Illegibility of the street network as a result of the irregular shape of the site.
 - The increase in residents within Matamata will put pressure on the existing amenities and services within the existing Matamata Town Centre.
 - Potential reverse sensitivity effects of residential land uses being in close proximity to proposed commercial node and solar farms.
- Commercial Node & Public Open Space (including Greenway)
 - The introduction of a commercial node could undermine the vitality and viability of the Matamata's Town Centre.
 - Potential visual and amenity effects, including noise and lighting, to the adjoining proposed residential lots.
 - Potential visual safety and amenity effects within the commercial node as well as the interfaces with the public realm (streets and open space), due to increase in vehicle activity and inappropriate carparking arrangements and vehicle crossing locations.
- Retirement Village
 - Visual and character effects created by the transition between the existing larger rural-residential lots and the proposed residential precinct to the proposed dwellings within the retirement village and the associated facilities (recreation centre and medical centre).
 - The limited access and privacy associated with the proposed retirement village will limit access and visual connectivity to the wider development.
 - Potential visual, amenity and reverse sensitivity effects created by the more intensive proposed residential lots adjoining the retirement village.
 - Visual change and amenity effects created along Station Road where the proposed retirement village interfaces with the street.
- Solar Farms
 - Reverse sensitivity and visual effects to the neighbouring rural, proposed residential and proposed retirement village.

It is considered that these potential adverse effects can be appropriately managed and mitigated, specifically through integrated urban design, and that *Ashbourne* is supported from an urban design perspective. Potential mitigation includes measures such as:

- Urban Design Guidelines to accompany the proposal that provide provisions and design guidance for future dwellings to ensure good on-site amenity outcomes;
- Integrated, mixed-use development to service the residential development and wider community;
- Distributing density across the site, with smaller lots located at the centre of the site to internalise effects;

- Implementation of a development grid to create a logical and legible street network; and
- The landscape, lighting and architectural responses will provide a design quality that will mitigate visual and amenity effects and provide good Crime Prevention Through Environmental Design and connectivity outcomes.

Landscape

Greenwood Associates have prepared a Landscape Assessment, appended to the referral application, that details the landscape (and visual) effects of the proposed development and how *Ashbourne* can integrate within the environment. This assessment concluded that the site does not contain any natural or cultural elements that provide a 'sense of place' or unique features.

The key landscape effects of *Ashbourne* are considered to be limited to the integration of the development with the urban fringes of Matamata. Given the location of the site, the landscaping strategy will need to address the transition from urban environment to rural environment. This is addressed in the Landscape Assessment appended to the referral application.

Heritage & Archaeology

No natural heritage overlays that apply over the site, however, there is a risk that archaeological sites may appear or be uncovered in the construction process. This can be managed through accidental discovery protocol which will form part of conditions of consent.

5.5 Cultural

As outlined in Te Hira's *Kaitaki Memorandum*, Mana Whenua have been involved and consulted to this point of the project, which will continue to occur. Ngāti Hinerangi, Ngāti Hauā, and Raukawa are the iwi/hapū who share historical connections to the wai, whenua and taonga within Matamata. Through ongoing and meaningful engagement with Mana Whenua, it is considered that any potential adverse effects can be appropriately mitigated. Appropriate protocols (such as karakia, cultural monitors and cultural protocols), involvement in the design, and promotion of indigenous planting are examples of mitigation.

There is a risk that archaeological sites may appear or be uncovered in the construction process, which can be managed through accidental discovery protocol. The project will incorporate cultural values in its design, using Mana Whenua expertise to integrate their values and cultural heritage (which is currently largely invisible). This is an opportunity to reflect the area's cultural history in the development, including through activities, facilities, forms, artwork, local flora, and materials significant to the reinstatement of their presence and aspirations.

5.6 Ecology

The *Ecology Memorandum*, appended with the referral application, concludes that there are no significant ecology effects. The current ecological environment is limited as a result of intensive farming, with only exotic shrubs and trees remaining. Overall, biodiversity has been assessed as low.

The initial review identified the following potential ecology effects:

- Diversion of water from a natural inland wetland; and
- Discharge of water into water.

Both these effects are in relation to the 100 metre setback of natural inland wetlands under the NES-FM. Further assessment is required to identify the extent of effect; however, it is concluded that these potential adverse ecological effects will be no more than minor.

5.7 Effects on Greenhouse Gas Emissions

This Project aims to minimise greenhouse gas emissions, where possible through construction, and within the design of the project itself. During construction, greenhouse gas emissions will be reduced through the following measures:

- Minimising the number of truck movements required to manage earthworks material by retaining as much as possible within the site; and
- A staged construction approach allows for the appropriate management of effects on the environment.

Following the construction of the project, the ongoing reduction of greenhouse gas emissions will be supported by:

- Utilisation of renewable energy via the solar farms;
- Multi-modal transport corridors that prioritise pedestrians and cyclists;
- Enabling intensified urban development, including provision for services and amenities within a walkable catchment to reduce the need for vehicle travel;
- Incorporation of walking and cycling facilities within both the greenway and wider *Ashbourne* development to facilitate a transition to active modes of transport (and to discourage private vehicle use); and
- Improved connectivity within close proximity to a well-established and growing area of Matamata.

Overall, it is considered that the project will balance the potential adverse effect of greenhouse gas emissions by providing for a walkable, densified future residential development that discourages private vehicle movements and appropriately mitigates adverse effects on the environment (where possible).

5.8 Positive Effects

Ashbourne will deliver a number of positive effects, including but not limited to:

- Increasing housing supply in Matamata where a long-term housing shortfall has been identified³;
- Delivery of multi-generational living with a diverse mix of housing typologies to suit families of various sizes and aged-care retirement village to address housing needs;
- Creation of a well-functioning urban environment with a neighbourhood centre and commercial node at the heart of the development, which will support the local economy beyond the construction of the project;
- Enhancement of the natural environment through the design which seeks to weave natural space through the development via the greenway and shared spaces;

³ Housing Assessment 2022, Matamata-Piako District Council [June 2022].

- Innovative design to address climate change and natural hazards, such as inclusion of two solar farms and stormwater design;
- Generation of a wide range of economic benefits, such as providing a direct boost in housing supply to meet growing demand, meeting the needs of an evolving population, and contributing to the recovery of significant infrastructure costs; and
- Alignment with local and regional planning documents, such as Waikato Regional Policy Statement, Future Proof Strategy, and Town Strategies 2013 – 2033 for Matamata.

5.9 Mitigation

This memorandum, and the supporting memorandums from the technical experts, identify a range of measures to address potential adverse effects and ensure that those adverse effects are avoided, remedied or mitigated. This includes the application of standard and well-established mitigation measures and more bespoke approaches to manage the particular effects of this proposal. These can be addressed through design, conditions of consent, and monitoring.

6.0 Conclusion

Having undertaken a high-level planning assessment, it is considered that there are no planning-related reasons why **Ashbourne** could not proceed under the Fast-Track Approvals Act 2024. Through strong design and technical input, **Ashbourne** can achieve a built form, environment and community that positively impact future residents and the wider Matamata community, without having an adverse effect on the environment.

It is acknowledged that a full and comprehensive Assessment of Environmental Effects will be undertaken as part of the resource consent application, however at this stage, no more than minor adverse effects have been identified that preclude the development from occurring.