

## FTAA–2502–1006: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

### Project Name: Ashbourne

Date submitted:	12 May 2025	Tracking #: BRF–6105	
Security level:	In-Confidence	MfE priority:	Urgent

	<b>Action sought:</b>	<b>Response by:</b>
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	19 May 2025

Actions for Minister's Office staff	<b>Return</b> the signed briefing to MfE <a href="mailto:FTAreferalls@mfe.govt.nz">FTAreferalls@mfe.govt.nz</a> . <b>Approved</b> the attached notice of decisions letter (if signed).
Number of appendices: 7	Appendices: 1. Application documents for Ashbourne (refer File Exchange) 2. Stage 1 Briefing Note and decisions (refer File Exchange) 3. Draft Notice of Decisions (attached to email) 4. Section 18 Report on Treaty settlements and other obligations (refer File Exchange) 5. Comments received from all invited parties (refer File Exchange) 6. Further information received post-consultation (refer File Exchange)

### Ministry for the Environment contacts

Position	Name	Cell phone	1 <sup>st</sup> contact
Principal Author(s)	Max Gander-Cooper, Joanne Waitoa		
Manager	Stephanie Frame	s 9(2)(a)	✓
General Manager	Ilana Miller	s 9(2)(a)	

## Key messages

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1. This briefing seeks your decisions on the application from Matamata Development Limited to refer the Ashbourne project (the project) under the Fast-track Approvals Act 2024 (the Act) to the fast-track approvals process for consideration by an expert panel.
2. A copy of the application is in Appendix 1. This is the second briefing on this application. The first (Stage 1) briefing (BRF-5883) with your initial decisions annotated is in Appendix 2.
3. The project is to establish mixed-use development on approximately 125 hectares of land approximately 1.8 kilometres southwest of Matamata, comprising:
  - a. a residential development including approximately 520 residential units, public open space and a commercial node
  - b. a multi-functional greenway including for active transit modes and stormwater management
  - c. a retirement development including approximately 218 units, a hospital and supporting facilities
  - d. two solar farms covering 12.7 and 24 hectares respectively, with the potential to provide up to 52,000 megaWatt-hours per year.
4. The project will require the proposed approvals:
  - a. resource consents under the Resource Management Act 1991.
5. We recommend you **accept** the referral application for the reasons set out in this briefing, including that the project meets the criteria set out in section 22, and does not appear to involve an ineligible activity.
6. We seek your decisions on this recommendation and on the recommendations for directions to the applicant and notification of your decisions.

## Assessment against statutory framework

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7. The statutory framework for your decision-making is set out in Appendix 5 of the Stage 1 briefing. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
8. Before accepting the project, you must consider the application (in Appendix 1), the section 18 Treaty settlements report (in Appendix 4), any comments from invited parties (in Appendix 5), any further information requested from the applicant, the relevant local authorities, or the relevant administering agencies (in Appendix 6) and any document that requires your consideration under section 16, and comply with any procedural requirements under section 16. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and that there are no reasons requiring you to decline the application. We provide our advice on these matters below.

## Section 18 Treaty settlements and other obligations report

9. We have prepared a Treaty Settlements and Other Obligations Report (s18 report), and this is attached at appendix 4.

10. That report identifies Ngāti Hauā Iwi Trust, Raukawa Settlement Trust, Te Puāwaitanga o Ngāti Hinerangi Trust and Te Whakakitenga o Waikato Incorporated as the relevant Māori groups in relation to the project area.
11. The report identifies four Treaty settlements as relevant to the project area, but none of those agreements include specific redress relating to the project area.
12. Te Whakakitenga o Waikato Incorporated provided comments on the application. They acknowledge the potential benefits of the proposal but have some concerns regarding the environmental, cultural and social aspects of the project and consenting process. They expect the applicant to enable ongoing engagement opportunities with mana whenua including cultural impact assessments.
13. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti was invited to comment on the draft s18 report. They have advised they have no comments or concerns with the application.
14. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

### **Section 16 Effects of Treaty settlements and other obligations on decision-making**

15. In accordance with paragraph 12 above we have not identified any documents that you must give the same or equivalent effect to, or procedural requirements you must comply with, under section 16.

### **Written comments received**

16. Comments were received from Waikato Regional Council (WRC), Matamata Piako District Council (MPDC), three Ministers, New Zealand Transport Agency (NZTA), Waikato-Tainui, Transpower New Zealand Limited and Powerco Limited. The key points of relevance to your decisions are summarised in Table A.
17. We note that MPDC, the Minister for Seniors and New Zealand Transport Agency (NZTA) provided comments more than 20 working days after receiving the application. Under section 17(7)(b) you are not required to consider their comments but may do so at your discretion.
18. The key points from the comments are:
  - a. WRC considered the benefits of the solar farm component of the project may be a significant regional benefit, but the Minister for Energy did not reach the same conclusion.
  - b. The Minister of Economic Growth considered that the project would deliver economic benefits through the construction of residential units, retirement units, commercial space, solar farms, and employment through construction and in the retail and commercial sectors.
  - c. other parties invited to comment did not identify significant regional or national benefits from the project.
  - d. MPDC and WRC suggested the project would be more suitably considered by way of a plan change under the RMA.

**Further information provided by applicant, relevant local authorities, relevant administering agencies**

19. In response to your request for further information under section 20 of the Act the applicant provided further information on how the benefits of the project are significant at a regional or national scale.
20. The applicant considers the housing benefits of the project will be significant in the regional context because the project will address a short-term housing need and will be significant in the context of Matamata's housing demand. We note the applicant's information is not provided in the context of the Waikato region, and WRC did not consider there is a short-term housing deficit in Matamata Piako district.
21. The applicant considers the solar farms will provide power for up to 8000 houses which will provide a significant regional and national benefit by reducing power costs. We note that WRC also considered the solar farm benefits potentially regionally significant, but the Minister for Energy did not given the reasonably modest scale of the new solar energy generation compared to other pending solar projects.
22. The applicant considers the economic benefits of the project will be a significant regional benefit, particularly the provision of approximately 2175 full-time equivalent (FTE) jobs during approximately 10 years of project construction. MBIE's data from 2024<sup>1</sup> indicates that this would be equivalent to approximately 100% of the increase in regional employment from 2023 to 2024. This number would include some redeployment of currently employed workforce from other projects and would include primarily temporary employment. This amount of employment could still be considered a significant regional benefit associated with a single project.
23. You must consider all information received within the specified timeframe. We have taken this information into account in our advice, and it is presented in Table A.

**Reasons to decline**

24. You must decline the application for referral under section 21(3) if:
  - a. you are not satisfied the project meets the criteria in section 22; or
  - b. you are satisfied that the project involves an ineligible activity; or
  - c. you consider you do not have adequate information to inform your referral decision.
25. We do not consider you must decline this application for any of these reasons, as outlined in Table A.
26. You may also decline the application for any other reason under section 21(4). The Act sets out the following matters you may consider when deciding whether to decline an application:
  - a. the project would be inconsistent with any of the following:
    - i. a Treaty settlement
    - ii. the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019
    - iii. the Marine and Coastal Area (Takutai Moana) Act 2011
    - iv. a Mana Whakahono ā Rohe
    - v. a joint management agreement

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<sup>1</sup> Labour Market Statistics Snapshot - December 2024

- b. it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts
- c. the project may have significant adverse effects on the environment
- d. the applicant has a poor compliance history under a specified Act that relates to any of the proposed approvals
- e. the project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes
- f. the project includes an activity that is a prohibited activity under the Resource Management Act 1991
- g. a substantive application for the project would have 1 or more competing applications
- h. in relation to any proposed approval of the kind described in section 42(4)(a) (resource consent), there are 1 or more existing resource consents of the kind referred to in section 30(3)(a).

27. We have considered the matters above and this is discussed in Table A, and we do not consider you should decline the project for any of these reasons.

### **Reasons to accept**

28. You may accept a referral application if you are satisfied that the whole project meets the criteria in section 22 (s 21(1)(c)).

29. The section 22 criteria you must be satisfied of are:

- a. The project is an infrastructure or development project that would have significant regional or national benefits (section 22(1)(a)); and
- b. Referring the project to the fast-track approvals process:
  - i. Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes (section 22(1)(b)(i)); and
  - ii. Is unlikely to materially affect the efficient operation of the fast-track approvals process (section 22(1)(b)(ii)).

30. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:

- a. it is an infrastructure or development project because it involves land development for the construction of residential units and solar farms
- b. it would have significant regional or national benefits because it would:
  - i. increase housing supply by providing approximately 700 new residential units (including retirement units)
  - ii. include solar generation which could power up to 8000 homes, and
  - iii. provide economic benefits including generating 2175 full-time equivalent (FTE) jobs during construction
- c. we note that the Minister of Energy did not consider the solar generation associated with the project would be a significant regional benefit, but this was considered a significant regional benefit by WRC. WRC also considered that the housing supply would not constitute a significant regional benefit in the short term due to existing supply. The applicant's assessment disputed this, and we consider the project

could address longer-term housing capacity shortfalls without the need to re-zone land through a plan change under the RMA.

- d. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because:
  - i. the timeframes under the FTAA are significantly shorter than under the RMA
  - ii. the FTAA precludes public and limited notification
  - iii. appeals under the FTAA are only to the High Court rather than the Environment Court and are limited to points of law
  - iv. the project may need to be preceded by a plan change if it were to be progressed under the RMA.
- e. it is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is not novel in the New Zealand context and is similar to the type of applications that expert panel members are experienced in dealing with under the RMA.

#### *Other matters*

- 31. We have identified issues further to the matters identified above and our analysis of these is in Table A.
- 32. We note that both MPDC and WRC identified that the project is likely to be inconsistent with the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) as it involves residential development of highly productive land in the rural zone. This is a matter that an expert panel would need to consider when assessing a substantive application for the project.

## Conclusions

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- 33. We consider the project meets the section 22 criteria and you could accept the referral application under section 21 of the Act and refer the project to a panel with the specification outlined below.
- 34. We do not consider there are any reasons you must decline the referral application under section 21(3) and do not consider the matters noted above provide sufficient reason for declining to refer the project under section 21(4).
- 35. If you decide to refer the project you must specify the person or persons who lodged the referral application as the person who is, or the persons who are, authorised to lodge a substantive application for the project.
- 36. We consider that if you decide to refer the project, you should specify under section 27(3)(b)(ii) of the Act that the following information must be submitted with the substantive application:
  - a. under section 27(3)(b)(ii) of the Act that a land productivity assessment must be submitted with the substantive application
  - b. under section 27(3)(b)(iii) that an expert panel must invite comments on a substantive application from Powerco, NZTA and the Minister for Seniors in addition to those specified in section 53
- 37. The above requirements are necessary for the following reasons:

- a. to assist an expert panel in assessing the impact of the project including on highly productive land.

## Next steps

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- 38. MfE must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the Fast Track website.
- 39. If you decide to refer the project, MfE must also give notice of your decision to:
  - a. the panel convener
  - b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
  - c. the Environmental Protection Authority (EPA)
  - d. the relevant administering agencies
- 40. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:
  - a. the referral application
  - b. any comments received under section 17
  - c. the report obtained under section 18
- 41. We will undertake this action on your behalf.
- 42. We have attached a notice of decisions letter to the applicant(s) based on our recommendations (refer Appendix 3). If you agree and sign the letter, we will provide it to all relevant parties. We can also provide you with an amended letter if required.
- 43. Our recommendations for your decisions follow.

## Recommendations

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- 44. We recommend that you:
  - a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (FTAA) requires you to decline the referral application from Matamata Development Limited if you are satisfied that the project involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section, or if you are not satisfied that the Ashbourne Project (project) meets the referral criteria in section 22 of the FTAA.
  - b. **Agree** that before deciding to make a decision on the application for project referral under section 21(1) of the FTAA you have considered:
    - i. the application in Appendix 1
    - ii. the report obtained under section 18 of the FTAA in Appendix 4
    - iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe (if you have received any comments or further information after the required timeframe you are not required to consider them but may do so at your discretion) in Appendices 5 and 6.

Yes/No

c. **Note** you may also have additional obligations arising under section 7 which requires you to act consistently with Treaty settlements and recognised customary rights. For this application, officials have not identified any additional obligations and this is explained further in the section 18 report.

d. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the FTAA as:

- i. it is a development project that would have significant regional or national benefits because it would
  1. increase housing supply by providing approximately 700 new residential units (including retirement units)
  2. includes solar generation which could power up to 8000 homes, and
  3. provide economic benefits including generating 2175 full-time equivalent (FTE) jobs
- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because:
  1. the timeframes under the FTAA are significantly shorter than under the RMA
  2. the FTAA precludes public and limited notification
  3. appeals under the FTAA are only to the High Court rather than the Environment Court and are limited to points of law
  4. the project may need to be preceded by plan change if it were to be progressed under the RMA.
- iii. referral is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is not novel in the New Zealand context and is similar to the type of applications that expert panel members are experienced in dealing with under the RMA.

Yes/No

e. **Agree** there is no reason the project must be declined under section 21(3) because

- i. the project meets the criteria in section 22 as explained at recommendation
- ii. the project does not include an ineligible activity as explained in Table A
- iii. the application includes sufficient information to inform your decision

Yes/No

f. **Agree** to accept the referral application under section 21(1) and refer all of the project to an expert panel under section 26(2)

Yes/No

g. **Agree** to specify Matamata Development Limited as the person who is authorised to lodge a substantive application for the project

Yes/No

h. **Agree** to specify under section 27(3)(b) of the FTAA:



- i. the following information that the applicant must submit with the substantive application: a land productivity assessment
- ii. the following persons or groups from whom an expert panel must invite comments in addition to those specified in section 53:
  - 1. The Minister for Seniors
  - 2. New Zealand Transport Agency
  - 3. Powerco Limited

Yes/No

- i. **Note** that MfE will provide notice of your decisions (draft attached in Appendix 4) to:
  - i. anyone invited to comment on the application including local authorities and relevant Māori groups
  - ii. the panel convener
  - iii. the Environmental Protection Authority (EPA)
  - iv. the following relevant administering agencies:
    - 1. Ministry for the Environment

## Signatures

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Ilana Miller  
**General Manager, Delivery and Operations**

Hon Chris Bishop  
**Minister for Infrastructure**

**Date:**

Table A: Stage 2 analysis

Recommendation	Accept and refer application		
Project details	Project Name	Applicant	Project Location
	Ashbourne	<p>Matamata Development Limited</p> <p>c/- Barker and Associates</p> <p>The applicant is a legal person and is eligible to apply for resource consents.</p>	<p>125 hectares of land approximately 1.8 kilometres southwest of Matamata and comprised in the following records of title:</p> <p>Lot 4 Deposited Plan 384886</p> <p>Lot 5 Deposited Plan 384886</p> <p>Lot 204 Deposited Plan 535395 and Lot 25, 106 Deposited Plan 393306</p> <p>Lot 2 Deposited Plan 567678 and Lot 2 Deposited Plan 21055</p> <p>Lot 3 Deposited Plan South Auckland 14362</p> <p>Lot 1 Deposited Plan South Auckland 65481</p> <p>Lot 1 Deposited Plan 21055</p>
Project description	<p>The project is to establish mixed-use development on approximately 125 hectares of land approximately 1.8 kilometres southwest of Matamata, comprising:</p> <ol style="list-style-type: none"> <li>a residential development including approximately 520 residential units, public open space and a commercial node</li> <li>a multi-functional greenway including for active transit modes and stormwater management</li> <li>a retirement development including approximately 218 units, a hospital and supporting facilities</li> <li>two solar farms covering 12.7 and 24 hectares respectively, with the potential to provide up to 52,000 megaWatt-hours per year.</li> </ol> <p>The project will require the proposed approvals:</p> <ol style="list-style-type: none"> <li>resource consents under the specified Act – Resource Management Act 1991.</li> </ol>		
Minister invites comments / requests information	Comments from invited parties		Further information from applicant, relevant local authorities, relevant administering agencies
	<p><i>Local authorities</i></p> <p>Waikato Regional Council (WRC) considered the solar farm component of the project would provide significant regional benefits because renewable energy generation has been identified as a central government priority through the National Policy Statement for Renewable Electricity Generation (NPS-REG).</p> <p>WRC did not consider the rest of the project would provide significant regional benefits, as the most recent Housing Capacity Assessment shows that there is sufficient housing supply available in Matamata to meet demand in the short and medium term. While the Housing Capacity Assessment identifies a shortfall in the long term (11-30 years), WRC considers there is sufficient time for MPDC to re-zone land to provide housing supply in that timeframe.</p> <p>WRC also noted that their most recent flood modelling shows that a significant portion of the site would be flooded in a 1% AEP event, and because the project includes development over land with high-class soils the project is inconsistent with the National Policy Statement for Highly Productive Land (NPS-HPL) and the Waikato Regional Policy Statement. The NPS-HPL directs that residential development of rural zoned land with high class soils must be avoided. We consider a flood hazard will be provided as part of a standard assessment of environmental effects.</p> <p>WRC considers this project would be more appropriately considered through a plan change under the RMA.</p> <p>Matamata Piako District Council (MPDC) provided comments three working days late and considered it would be more appropriate for the project to be considered following a plan change under the RMA.</p> <p>MPDC considered the project would contribute to housing supply but did not specifically identify whether the project would deliver significant regional or national benefits. MPDC also considered the project was inconsistent with the District Plan as it involves residential development in a rural or rural-residential setting.</p>		<p>The applicant has provided further information, including their interpretation of regionally significant as "an activity in the region that is able to generate meaningful benefits of a regional scale. This may include social, economic, environmental or cultural benefits; however, they need to be beneficial beyond the immediate locality and facilitate the delivery of infrastructure and development at pace."</p> <p>The applicant considers their project meets the above definition because the project will generate a wide range of <b>economic benefits</b> that will be regionally significant, including but not limited to:</p> <ul style="list-style-type: none"> <li>during construction Ashbourne will generate approximately 2,175 full-time equivalent jobs. This is made up of 640 direct jobs and 1,534 indirect jobs. This is a significant number of jobs for a rural town in the Waikato region, and it will require expertise on a regional scale, particularly for roles that require a qualification such as engineers (as the 2023 Census indicates residents in Matamata are less likely to hold a bachelor's degree or higher qualification).</li> <li>once operational, the project will generate long-term employment through the solar farms, retirement village with associated ancillary services and the commercial node that will support ongoing economic generation (and indirectly encourage relocation to Matamata). This provides diversity in employment opportunities, from aged care workers to hospitality workers. This will support more than 60 permanent full-time equivalent jobs, that will help diversify local employment opportunities in Matamata and provide a steady source of economic activity beyond the initial construction phase.</li> <li>once completed, the project will accommodate a range of affordable housing options that will total circa 520 residential units and 218 retirement living units that will support business development in Matamata through an anticipated increase in residents in Matamata. With this will come new businesses, increased employment opportunities, and increased spending within the Waikato region.</li> </ul>

	<p>MPDC’s planning documents identify the east of Matamata for future residential growth and the Council has been focusing its infrastructure delivery on servicing that area, so is unlikely to be in a position to deliver infrastructure to service the project.</p> <p><i>Ministers</i></p> <p>The Minister of Economic Growth considered that the project would deliver economic benefits through the construction of residential units, retirement units, commercial space, solar farms, and employment through construction and in the retail and commercial sectors. The Minister did not consider the application provided sufficient detail for her to determine the significance of these benefits (we note the Minister did not receive the applicant’s further information).</p> <p>The Minister for Energy considered the proposed new generation as part of the project will not deliver new regionally or nationally significant infrastructure in relation to energy supply, as per s22(2)(a)(ii) of the FTAA, given the reasonably modest scale of the new solar energy generation compared to other pending projects.</p> <p>The Minister for Seniors expressed support for the project insofar as it increases the supply of housing, particularly housing for seniors. The Minister supported aspects of the project such as the provision for nursing accommodation. The Minister noted some concerns about connectivity to the surrounding neighbourhood and Matamata township and requested the opportunity to comment on the substantive application. The Minister did not comment on whether the benefits of the project are significant at a regional or national scale.</p> <p><i>Māori Groups</i></p> <p>Waikato-Tainui acknowledged the project’s potential benefits but raised concerns about the environmental, social and cultural effects of the project, including:</p> <ul style="list-style-type: none"><li>• landscape effects</li><li>• inappropriate use of highly productive soils</li><li>• construction effects on waterways</li><li>• requirement for a cultural impact assessment</li><li>• without enabling robust iwi participation, the project may be inconsistent with Tai Tumu, Tai Pari, Tai Ao Plan – Waikato-Tainui Environment Plan</li></ul> <p><i>Administering agencies</i></p> <p>N/A</p> <p><i>Owners of Māori land in the project area</i></p> <p>N/A</p> <p><i>Other persons or groups</i></p> <p>Transpower New Zealand Limited (Transpower) did not raise any concerns with the application and noted the project does not propose to connect to the National Grid via Transpower’s network and no approvals are required from Transpower.</p> <p>New Zealand Transport Agency (NZTA) provided comments one working day late and stated it had no concerns with the project but noted a substantive application should include a comprehensive traffic assessment. Under section 17(7)(b) you are not required to consider these comments but can do so at your discretion.</p> <p>Powerco Limited (Powerco) noted the applicant will need their approval to connect to the network, and that a high level assessment has been undertaken. At this stage Powerco considered they did not have sufficient information to comment on whether there would be any barriers to project delivery.</p>	<p>The applicant considers their project meets the above definition because the project will generate <u>housing benefits</u> that will be regionally significant, because:</p> <ul style="list-style-type: none"><li>- a Housing Capacity Assessment has been prepared for Matamata that identifies a long-term shortfall in housing supply, however considers there is sufficient supply in the short-term. The applicant has provided an economics assessment and considers there is a shortfall in the short-term and MPDC is unlikely to be meeting their obligations under the National Policy Statement for Urban Development 2020 (NPS-UD). The applicant’s assessment considers that the 520 dwellings and 218 retirement units envisaged by the proposal represent an extremely significant increase in development capacity for the purposes of the NPS-UD</li><li>- the development of circa 218 retirement living units provides essential housing for the aging population of Waikato and New Zealand. This has a significant benefit, both regionally and nationally, as the number of residents aged 75 and over is projected to grow by 138% in the catchment over the next 30 years. The applicant’s assessment identified an unmet demand of approximately 1,200 retirement village units over the long term for a 45-minute driving catchment from the site; which this project directly responds to.</li></ul> <p>The applicant considers the two solar farms have capacity to power approximately 8,000 homes, which would support both a regional and national reduction in energy costs. Solar farms lower electricity prices by increasing the supply of renewable energy, making energy more affordable for homes and businesses.</p> <p>The applicant also notes the project will provide regionally significant cultural, social and environmental benefits by:</p> <ul style="list-style-type: none"><li>- incorporating cultural values into the design to ensure the regional and national cultural narrative of Mana Whenua are reflected in the development</li><li>- providing medical facilities with 71 beds, which significantly increases the hospital capacity in Matamata above the current 33 private beds.</li><li>- reducing greenhouse gas emissions by generating renewable electricity</li><li>- preserving natural wetlands and creating additional greenspaces.</li></ul>
<p><b>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</b></p>	<p>Based on the information in the application, we consider the project is eligible for referral because:</p> <ul style="list-style-type: none"><li>• it would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with relevant iwi authorities.</li><li>• it would not occur in a customary marine title area or protected customary rights area as it is not in the coastal marine area.</li><li>• it is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the coastal marine area.</li></ul>	



	<ul style="list-style-type: none"> <li>would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not require an access arrangement under the Crown Minerals Act and would not occur on Schedule 4 land.</li> <li>would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the common marine and coastal area.</li> <li>would not occur on Schedule 4 land as confirmed by the records of title checked against Schedule 4 land types.</li> <li>would not occur on a national reserve as confirmed by the records of title checked against national reserves.</li> <li>would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as it will not occur on a reserve, as confirmed by the records of title.</li> <li>is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA as it would not occur in the coastal marine area or New Zealand's exclusive economic zone.</li> <li>is not for the purpose of an offshore renewable energy project. because it will not occur offshore.</li> </ul> <p>No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.</p>
<b>The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]</b>	We do not consider you have inadequate information to inform your referral decision.
<b>Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coast Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]</b>	N/A
<b>Section 22 assessment criteria</b>	
<b>The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]</b>	<p>The Minister may consider any of the following matters, or any other matters the Minister considers relevant.</p> <p><i>Assess the factors that are relevant to the application. How is the factor relevant and is it being met by the project?</i></p> <p><i>Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]</i></p> <p>The applicant has not identified in their application that the project will deliver new regionally or nationally significant infrastructure. While WRC considered the solar farm component of the project may be regionally significant, the Minister for Energy considered it would not.</p> <p>We do not recommend referring the project solely on the basis it would deliver new regionally or nationally significant infrastructure, as neither the applicant nor the relevant portfolio Minister considered that would be the case.</p> <p><i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]</i></p> <p>The project includes over 500 new residential units and 200 retirement units. The applicant considers this would be a significant regional benefit as they consider Matamata has a short-term housing supply deficit, and there is a need for approximately 1200 retirement units within a 45 minute drive of the project site in the long term. We note the applicant refers to housing supply in the Matamata context rather than the Waikato region, so it is not clear that the benefit of the housing supply would be significant on a regional scale.</p> <p>WRC does not consider the housing or retirement units supplied by the project is a significant regional benefit and notes that the most recent Housing Capacity Assessment identifies that Matamata has adequate housing supply in the short and medium term. While there is a projected deficit in the long term (11-30 years) WRC considered there is sufficient time for MPDC to rezone sufficient land to address this need.</p> <p><i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i></p> <p>The applicant considers the project will generate a wide range of economic benefits that will be regionally significant, including but not limited to:</p>

	<ul style="list-style-type: none"> <li>- during construction the project will generate approximately 2,175 full-time equivalent jobs. This is made up of 640 direct jobs and 1,534 indirect jobs. This is a significant number of jobs for a rural town in the Waikato region, and it will require expertise on a regional scale, particularly for professional roles (as the 2023 Census indicates residents in Matamata are less likely to hold a bachelor's degree or higher qualification).</li> <li>- once operational, the project will generate long-term employment through the solar farms, retirement village with associated ancillary services and the commercial node that will support ongoing economic generation (and indirectly encourage relocation to Matamata). This provides diversity in employment opportunities, from aged care workers to hospitality workers. This will support more than 60 permanent full-time equivalent jobs, that will help diversify local employment opportunities in Matamata and provide a steady source of economic activity beyond the initial construction phase.</li> <li>- once completed, the project will accommodate a range of affordable housing options that will total circa 520 residential units and 218 retirement living units that will support business development in Matamata through an anticipated increase in residents in Matamata. With this will come new businesses, increased employment opportunities, and increased spending within the Waikato region.</li> </ul> <p>We note MBIE's data indicates that filled jobs in the Waikato region grew by 2800 between 2023 and 2024. The applicant's projected employment associated with the project would represent approximately 100% of the Waikato regional job growth between 2023 and 2024. While this does not represent entirely new jobs as it will include transfer of workforce from other projects, it could still be considered to be a significant regional benefit when considered in the context of a single project.</p> <p><i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i> The applicant considers the project will contribute to climate change mitigation through the construction of two solar farms with capacity to power approximately 8000 homes and also notes that this could have regionally and nationally significant benefits through a reduction in power pricing.</p> <p>WRC considered the solar farm component of the project may be regionally significant because it aligns with the NPS-REG, but the Minister for Energy considered the size of the solar farms was too modest to provide a regionally significant benefit.</p> <p>We do not consider you should refer the project solely on the basis of the regionally significant benefits of the solar farm components because, while WRC considered it may be regionally significant, the Minister for Energy has the greater expertise and context when it comes to the significance of energy supply and you must be satisfied that a benefit is regionally or nationally significant in order to refer a project.</p> <p><i>Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]</i> The applicant states the project's stormwater solution takes into account climate change. This does not appear to be a significant regional or national benefit.</p> <p>WRC also raised concerns that the project site is likely to be subject to flood hazards so the design solution for the project would need to address this.</p> <p><i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i> The applicant considers the project is consistent with the Future Proof Strategy 224 and the Matamata Piako District Plan.</p> <p>WRC considered the project is partially inconsistent with the Waikato Regional Policy Statement and the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) and MPDC considered the project is partially inconsistent with the Matamata Piako District Plan as it involves residential development of rural-zoned highly productive land which is not enabled by the NPS.</p>
Referring the project to the fast-track approvals process [section 22(1)(b)]	<p><i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i></p> <p>The applicant considers the project would be processed more effectively by a single authority than by submitting separate applications to the district and regional councils. The applicant also notes the fast-track process has shorter timeframes than standard RMA processes, has limited public participation (including precluding limited and public notification) and limited rights of appeal. The applicant considers all of this would enable the project to proceed more quickly under the fast-track process than under the RMA.</p> <p>We note WRC and MPDC both indicated that they would expect the project to be preceded by a plan change under the RMA, which suggests the FTAA would enable the project to be considered more quickly than under standard process.</p> <p>We consider the applicant's assertion to be reasonable.</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i></p> <p>The applicant states they have a fully engaged project team who are already progressing towards a full resource consent package, so referring this project would see the substantive application lodged in the following few months to ensure the efficient operation of the fast-track process.</p> <p>We consider that while the project is a large development and may be inconsistent with some underlying planning documents (as indicated by WRC and MPDC in their comments) it is not novel in the New Zealand context or outside of the scope of applications that independent hearing commissioners could be expected to consider under the RMA and is unlikely to materially affect the efficient operation of the fast-track approval process.</p>
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	Minister may decline [section 21(4) and 21(5)(a-h)]

<p><i>The Minister <u>must</u> decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria)</i> We do not consider this applies based on our above analysis that the project meets the criteria in section 22.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i></p> <p>As discussed above, we do not consider you must decline the project because it involves an ineligible activity.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i> We consider you have adequate information to inform your decision.</p> <p>We do not consider that you must decline the application under this section.</p>	<p><i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i> <i>Reasons to decline a referral application under subsection 4 include, without limitation:</i></p> <p><i>The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement</i> Nothing in the application or in comments from invited parties indicates the project would be inconsistent with these documents.</p> <p><i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i> Both WRC and MPDC considered the project would be more appropriately considered under the RMA as it would be more appropriate for the project to be preceded by a plan change to rezone the site from rural to residential use. This would also enable consideration of the fact the project site is located in a flood plain and needs appropriate consideration of flood hazards.</p> <p>We agree that the project is not consistent with planning documents, particularly the NPS-HPL, which direct that the residential development of rurally zoned highly productive land is avoided and may be subject to flood hazards. However, we consider this is a matter which could be considered by an expert panel with the benefit of a full resource consent application including an assessment of environmental effects, a flood hazard assessment and a land productivity assessment. An expert panel could decline the application if it considered adverse effects such as the effects of flooding, or the effects on highly productive land, outweighed the significant regional or national benefits of the project and could not be managed by appropriate conditions.</p> <p>We recommend if you refer the project you direct the applicant to provide a land productivity assessment with their substantive application.</p> <p><i>The project may have significant adverse effects on the environment</i> Nothing in the application or in matters raised by parties invited to comment has indicated that the project would have significant adverse effects on the environment. We note if the project is referred an expert panel will be able to consider the potential adverse effects of the project with the benefit of a full assessment of environmental effects.</p> <p><i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> The applicant does not appear to have been the subject of any compliance or enforcement action under the RMA.</p> <p><i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> N/A</p> <p><i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i> The project does not appear to include any prohibited activities under the RMA.</p> <p><i>A substantive application for the project would have one or more competing applications.</i> No comments from WRC indicate that there would be any competing applications.</p> <p>MPDC identified two other live resource consent applications over the project titles, but these are either held by the applicant or by parties who have given their written approval to the project going ahead so are not considered to be competing applications.</p> <p><i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)</i> No comments from WRC or MPDC identified any resource consents of the kind referred to in section 30(3)(a).</p> <p><i>Any other matter</i> N/A</p> <p>We do not recommend you decline the application.</p>
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