

BEFORE THE FAST-TRACK PANEL CONVENER

IN THE MATTER

An application for approvals under section 42 of the Fast-track Approvals Act 2024 (“Act” or “FTAA”)

AND

IN THE MATTER

Ashbourne

FTAA-2507-1087, a referred project under s21 of the FTAA

MEMORANDUM OF COUNSEL FOR THE APPLICANT

12 September 2025

Counsel acting:

P. Lang, barrister;
PO Box 19539 Hamilton

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MAY IT PLEASE THE PANEL CONVENER

1. Introduction
 - 1.1 This memorandum addresses the matters set out in Schedule 1 to the panel convener's 02 September 2025 Minute ("Minute"), and the panel convener's decision on panel appointments and decision timeframe.
 - 1.2 Conference participants for the conference are intended to be: Caleb Pearson, applicant representative, Fraser McNutt, planning, Phil Lang, counsel, Dean Morris, engineering and infrastructure.
 - 1.3 The Applicant has engaged with the Council in relation to the application. Broadly, this engagement has included:
 - a. Meetings and facilitating a site visit
 - b. Reviewing technical memorandums provided by Council and preparing a response to matters where appropriate
 - c. Ongoing discussions regarding a Private Development Agreement
2. Schedule 1 matters

Approvals

 - 2.1 The approvals sought are in section 9 of the Overview Report lodged with the application.
 - 2.2 Three types of approvals are sought:
 - a. Resource consents under:
 - i. The Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.
 - ii. The Waikato Regional Plan.
 - iii. The Matamata Piako District Plan (both land use and subdivision).
 - 2.3 The development has been applied for and assessed comprehensively but through three separate suites of consent approvals. These are:
 - a. Volume 1 – Overview
 - b. Volume 2 – Super-Lot Subdivision
 - c. Volume 3 – Solar Farm Development
 - d. Volume 4 – Retirement Village Development
 - e. Volume 5 – Residential Development including Greenway

Complexity

Legal complexity

- 2.4 As one of the earlier projects to be referred to a panel under s21 of the FTAA the potential for novel legal issues to arise exists, but no novel legal issues are identified at this stage.
- 2.5 That potential is minimised in this case because the project is a master-planned mixed-use development located adjacent to the existing established urban environment of Matamata. Ashbourne is not a project that is inherently controversial.

Evidential complexity

- 2.6 69 appendices are attached to the assessment of effects, broken down by volume as follows:
 - a. Volume 1 – 22 appendices
 - b. Volume 2 – 4 appendices
 - c. Volume 3 – 14 appendices
 - d. Volume 4 – 14 appendices
 - e. Volume 5 – 15 appendices
- 2.7 Of the Volume 1 appendices, 11 are technical reports applying to the whole site, prepared by experts whose advice underpins the project's design and/or methods adopted for managing effects.
- 2.8 The balance of the appendices are architectural or engineering plans; draft management plans; consultation records; information supporting the planning analysis in the assessment of effects; or provide information about the project, applicant, or project site.
- 2.9 Although the number of documents is reasonably high, the information provided is typical of a large, master-planned mixed-use development and is not overly complex when considered in that context.

Procedural complexity

- 2.10 The applicant has applied for all approvals it understands are required for the project that can be sought under the FTAA, except for approvals under the Wildlife Act 1953.

The applicant has opted to work directly through the business-as-usual process with the Department of Conservation, on the relevant authorisations required for Bats and Lizards specifically. We applied for and expect to receive these authorisations in due course Panel membership

- 2.11 Any complexity issues in this case would likely be managed by appointment of panel members with experience in large, master-planned mixed-use developments.
- 2.12 The applicant does not consider there are factors warranting the appointment of more than four panel members. Suggested panel composition is the Chair, tikanga and cultural issues advisor, planner and engineer with infrastructure specialization.

Tikanga

- 2.13 The applicant does not comment on tikanga. It is simply noted that the applicant has worked closely with Waikato-Tainui, Raukawa, Ngāti Hauā and Ngāti Hinerangi, to understand their views and respond to any concerns through the project's design and/or how effects are managed.
- 2.14 The applicant is committed to continuing to work with iwi going forward in a way consistent with tikanga and kawa.

Procedural requirements

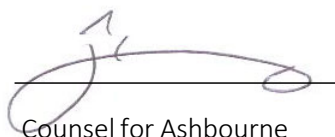
- 2.15 The applicant is willing to engage directly with the panel as necessary and where appropriate to advance the application.
- 2.16 The applicant considers a hearing is not required.
- 2.17 The application is typical of a master-planned mixed-use development in an area earmarked for that activity. It is not itself overly complex, and it is submitted that any complexity associated with this application being one of the earlier ones considered by a panel under the FTAA, can be managed through the time allocated to the panel for making a decision.

Similarly:

- a. Any matters in respect of which the panel requires clarification can be addressed through requests for further information.
- b. Any matters relating to conditions can be addressed through the statutory process for providing comments on draft conditions.
- c. The applicant has already undertaken extensive engagement which it has responded to through the project's design and/or effects management measures. It continues to keep the lines of communication open. Differences in view on matters not already addressed by the applicant can be set out by those invited to comment on the application, and responded to by the applicant, as part of the statutory process.
- d. Furthermore, the applicant has been working in good faith with MPDC and WRC and their relevant experts to clarify and minimize any points of difference. This is ongoing.

3. Time for making decision
 - 3.1 For discussion at the conference, a draft timeline is set out in the attached table.
 - 3.2 The proposed timetable would provide the panel with sufficient time to make an informed decision and be consistent with the principles in s 10 of the FTAA.
4. Conclusion
 - 4.1 The applicant appreciates the opportunity to participate in the conference about panel membership and the timeframe for deciding the application.
 - 4.2 The applicant will be available to provide any assistance that may be required by the panel convenor and the panel as needed going forward.

12 September 2025



Counsel for Ashbourne