

**BEFORE AN EXPERT PANEL**

**IN THE MATTER** of the Fast-track Approvals Act 2024 (the **FTAA**)

**AND**

**IN THE MATTER** of Ashbourne (FTAA-2507-1087)

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**MEMORANDUM OF COUNSEL FOR MATAMATA-PIAKO DISTRICT COUNCIL  
and WAIKATO REGIONAL COUNCIL  
Dated: 23 February 2026**

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LAWYERS

**MAY IT PLEASE THE PANEL****1. INTRODUCTION**

1.1 This memorandum is filed on behalf of Matamata-Piako District Council (**MPDC**) and Waikato Regional Council (**WRC**) in relation to the Panel's directions issued concerning expert conferencing on groundwater and stormwater matters for Basin A.

**2. EXPERT AVAILABILITY**

2.1 The Panel has directed that expert conferencing occur between Monday 23 February to Wednesday 25 February 2026, with a joint witness statement to be filed by 5 pm Wednesday 25 February 2026. Formal notice of this came through from the EPA at 3.49 pm today (23 February 2026).

2.2 MPDC advises that its geotechnical expert, Mr Cowbourne, is unavailable during the directed period and is unable to attend conferencing until next week. Mr Cowbourne needs to be involved in the conferencing given the inter-relationship between geotechnical conditions / geology / groundwater and stormwater management.

2.3 In addition, the directions were only provided to MPDC and WRC this afternoon, and the short notice has made it impracticable to coordinate attendance of the other relevant MPDC and WRC experts within the prescribed timeframe.

2.4 Given the importance of MPDC's and WRC's technical evidence to the matters raised in Mr Williamson's advice, MPDC and WRC respectfully request that expert conferencing be rescheduled to a date when its experts are available and able to participate meaningfully.

**3. CLARIFICATIONS NEEDED PRIOR TO CONFERENCING**

3.1 Despite multiple requests, the MPDC and WRC experts have not seen any details of the sub-soil drainage. The scope of the conferencing is also unclear. To allow the experts to prepare adequately and to ensure that conferencing is focused and efficient, MPDC and WRC respectfully request that the following be provided in advance of conferencing:

- (a) Clarification as to the scope of the conferencing (i.e. clarification that the conferencing topic is limited to stormwater assessment /

management associated with Pond A and that aspects beyond Pond A are outside the scope of the conferencing);

- (b) A draft agenda;
- (c) A plan showing the proposed design layout of the drains;
- (d) Levels, including cover/depth of burial;
- (e) Details of the types of pipe, specifications for the granular drainage materials, filter criteria, geotextiles;
- (f) A copy of the conditions proposed by the Applicant to resolve the issues relating to Pond A;
- (g) Details on how the outcomes from the Applicant's proposed conditions will integrate into the overall stormwater management plan; and
- (h) Copies of any updated documents / assessments associated with Pond A and that will form part of the conferencing.

#### **4. INDEPENDENT FACILITATOR**

- 4.1 Given the number of parties involved and the complexity of the issues, MPDC and WRC request that an independent facilitator be appointed.

#### **5. DRAFT DECISION**

- 5.1 MPDC and WRC note the Panel's observations at paragraph 3 of Minute 17 and consider that it would be more efficient for expert conferencing to occur after the draft decision has been released.

#### **6. POSSIBLE DATES**

- 6.1 While MPDC and WRC consider that it would be more efficient for expert conferencing to occur after the draft decision has been released, it is acknowledged that the Panel may still wish to direct conference in advance of the draft decision. If that occurs, and if the information referred to in paragraph 3 above is provided before the end of this week, the following dates could be workable for MPDC and WRC's experts:

- (a) Tuesday 3 March 2026 (between 11 am – 2 pm); or

(b) Wednesday 4 March 2026 (between 11 am – 2 pm).

**7. DIRECTIONS SOUGHT**

7.1 For the reasons set out above, MPDC and WRC respectfully seek the following directions:

- (a) That expert conferencing be rescheduled (preferably to a date that is after the draft decision has been released);
- (b) That an independent facilitator be appointed;
- (c) That the draft agenda be circulated and confirmed prior to conferencing; and
- (d) That all necessary technical information and clarifications be provided to the parties in advance of any rescheduled conferencing.

**DATED** the 23<sup>rd</sup> day of February 2025



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**Andrew Green / Michelle Hooper**

Counsel for Matamata-Piako District Council and Waikato Regional Council