

Before the Expert Consenting Panel

In the matter of an application for approvals under section 42 of of the
Fast-track Approvals Act 2024 (**Act** or **FTAA**)

and

In the matter of Ashbourne

FTAA-2507-1087, a referred project under section 21 of
the FTAA

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

16 March 2026



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MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of the applicant, Matamata Development Limited (**MDL**).
2. MDL has had the opportunity to consider the draft decision and has a request to make to the Panel to assist the final decision-making process.
3. MDL notes the prominence of the issues associated with the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**) in the draft decision and wishes to ensure that the Panel has the best possible information available on those issues before making a final decision.
4. MDL requests an opportunity for the experts on NPS-HPL issues, Mr. Hunt and Mr. Walker, to conference on:
 - (a) the availability of a pathway through the NPS-HPL via clause 3.10; and
 - (b) the predicted adverse impacts of the loss of productive capacity of HPL if the proposal proceeds in full.
5. It is relevant that the advice from Mr Walker, on which the Panel has relied in the draft decision, was given before the recent amendments to the NPS-HPL took effect. There are material implications from those amendments, including for (but not limited to) the assessment of the approvals sought under clause 3.10, as approximately 27% of the HPL within the Retirement Village site is LUC 3 land. Mr Walker's report was also issued before Mr Hunt's report was available, and before the Panel was provided with advice from Jeremy Brabant.
6. The potential benefit of expert conferencing at this stage in the process has been demonstrated by the results of the recent expert conferencing on stormwater management. In relation to highly productive land (**HPL**)

issues, Mr Walker and Mr Hunt have not had the opportunity to confer, and to discuss Mr Hunt's view.

7. There has not yet been any expert conferencing on HPL issues, and with the HPL issues being so influential in the Panel's draft determination, there is good reason to take the opportunity to allow the experts to conference,
8. The Applicant requests suspension of processing the application for up to 5 working days or until the Panel has the JWS from the conference, subject to MPDC being able to recover the cost of the expert conference and for the Panel to continue carrying out any functions that are not reliant on the expert conference outputs and to charge for any work that it undertakes. That suspension would also affect the dates on which comments were to be provided on the conditions of consent for both solar farms and the greenway, and the provision of an updated scheme plan by MDL.¹
9. MDL respectfully requests that an independent facilitator be appointed for expert conferencing between Mr Hunt and Mr Walker. MDL suggests also that, given the planning issues arising from the interpretation of the NPS-HPL, the applicants' planners, the planners for the Matamata-Piako District Council and Waikato Regional Council, and Susannah Tait (as the planner providing advice to the Panel), also attend that conferencing. The applicants' experts are available for expert conferencing between 9am and 11am and 1pm and 2pm on Wednesday 18 March 2026, and on 23 and 24 March 2026.

DATED at Auckland this 16th day of March 2026



W S Loutit / P Lang
Counsel for Matamata Development Limited

1 Minute 23 at [5] and [6].