
MINUTE 24 OF THE EXPERT PANEL

Response to Memorandum of Counsel dated 16 March
2026 for Matamata Development Limited
Fast-track Approvals Act
Ashbourne [FTAA-2507-1087]

(17 March 2026)

1. On 11 March 2026, the Panel released its draft decision to decline the resource consent in part (Minute 23).
2. On 16 March 2026, the Panel received a memorandum of counsel on behalf of the Applicant requesting that expert conferencing be held on the National Policy Statement for Highly Productive Land 2022 (NPS-HPL) between the agribusiness experts Messrs Hunt and Walker and the planning experts to address:
 - 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.
3. The Applicant sought to suspend processing for 5 working days.
4. The Panel requests that the Applicant clarifies the following:
 - a) Given that section 69 of the FTAA enables the Applicant, in the case of a decision to decline, to only offer conditions or modifications to the Application, it is unclear as to how anything arising from the JWS would fall within that narrow jurisdiction? We draw attention to the difference between the stormwater JWS and any JWS arising in respect of the NPS-HPL. The stormwater experts' JWS confirmed to the Panel that conditions had been agreed and would enable the stormwater issues to be resolved for the residential subdivision. The Panel questions whether it is possible for conditions or modifications to the Application can address the issues identified above in paragraph 2 in the context of the scope of section 69.
 - b) Again, in the context of section 69, the Panel notes that many of the commenters, other than the Councils, addressed in detail the issue in respect of highly productive land. Section 69 does not enable the commenters to address the decision to decline the approvals for the RV or any aspect of the NPS-HPL as it applies to Ashbourne.
 - c) A joint witness statement constitutes 'evidence'. The FTAA does not appear

to provide for new evidence to be accepted by a Panel after a draft decision has been issued.

- d) The Applicant claims that the RV site is comprised of approximately 27% of land classified as LUC3. This can only be correct if the Panel were to accept the Applicant's own site-specific LUC assessment, noting that the entire RV site is classified under the NZLRI as LUC2. Given that the Applicant has emphasised that its pathway through clause 3.10 is not about reclassifying the land but providing expert advice regarding the productivity of the land, we question how the amendments to the NPS-HPL make any difference to the expert evidence in respect to productivity.
5. The Panel seeks responses from the Applicant to the concerns expressed above in paragraph 4 by 3pm on 17 March before the suspension of processing will be considered.



Sue Simons
Expert Panel Chair