
MINUTE 25 OF THE EXPERT PANEL

Response to Memorandum of Counsel dated 17 March
2026 for Matamata Development Limited
Fast-track Approvals Act
Ashbourne [FTAA-2507-1087]

(18 March 2026)

1. The Panel has considered the memorandum filed by counsel for the Applicant dated 17 March 2026, in response to Minute 24.
2. The Applicant acknowledges the limitations of section 69(2) for declined approvals to only be addressed by the Applicant through proposed conditions or modifications to approvals sought.
3. They say the Panel can rely on clause 10(1) of the Third Schedule (not section 10(1) of the FTAA 2022) to regulate its procedure as it thinks appropriate and thus the Panel should direct a further report on NPS-HPL issues.
4. The Applicant maintains its position that the experts should seek to find a pathway through Clause 3.10 of the NPS-HPL and discuss the impacts of the loss of productive capacity of HPL if the proposal proceeds. This, they contend, *'would assist the Panel with understanding the evidence that is already before it, and the conditions or modifications to the Ashbourne project that MDL may propose under s69(2)(b)(i).'*
5. The Panel reiterates that there may be difficulties with the provision of conditions and modifications where there is a strongly directive NPS with a somewhat binary factual matrix. The stormwater JWS sought agreement on conditions to address the technical solutions required to grant approvals. The Panel perceives those differences as significant.
6. The draft Decision illustrates that the Panel sought and obtained a great deal of technical and multi-disciplinary expert advice on this issue. We have read it all and understood it. We do not **require** the experts to provide us with more evidence or reports to help us understand the issues.
7. The Panel seeks to hear from Counsel for the Councils regarding whether what is being proposed by the Applicant can be supported in the context of the relevant provisions of the FTAA. We invite MPDC and WDC to provide a memorandum in this regard by 3pm on 18 March setting out their respective positions on this proposal. If there is an appetite for further expert conferencing the memorandum should explain the parameters of the discussion, bearing in mind the restraints in

section 69(2).

8. If such conferencing is to occur, we direct that the EPA appoint an independent facilitator. We also direct that the conferencing includes the planning consultants for the Applicant, the Councils and Ms Tait.
9. Given the timing issues for the final Decision to be issued, the Panel may need considerably more time to finalise the Decision and conditions.



Sue Simons
Expert Panel Chair