

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**

19 December 2025



Bill Loutit / Chris Ryan
T: +64-9-358 2222
bill.loutit@simpsongrierson.com
chris.ryan@simpsongrierson.com
Private Bag 92518 Auckland

Counsel instructed
Phil Lang
Riverbank Chambers
T: 021 870 660
p.lang@xtra.co.nz

MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of the applicant, Matamata Development Limited (**MDL**), in relation to minutes 8 and 9 (together, the **Minutes**) of the Expert Consenting Panel (**Panel**).

Request to suspend the processing of the application

2. The Minutes requested that MDL provide the Panel with additional information by 4pm on 19 December 2025. To allow MDL time to compile the information requested, and to make best use of the remaining working days available to the Panel before issuing a decision, the Applicant requests that processing of the substantive application is suspended until 19 January 2026.
3. Naturally, if the Panel grants the suspension, MDL agrees the Panel can continue to incur costs in relation to the application while the application is suspended.
4. If in continuing to process the application up until 19 of January 2026 the Panel is minded to issue any further requests for information, MDL respectfully requests that it considers consolidating those remaining requests into a single request under section 67 of the Act. Doing so would allow MDL to prepare a single consolidated cohesive response to the Panel that addresses the Minutes and any further requests under section 67. This will allow any such response to be as coordinated, cohesive and concise as possible which it believes will be of greatest assistance to the Panel. MDL would be grateful if any further request for information could be issued with reasonable time for it to be able to respond by 19 January 2026.

Further submissions from the Council

5. On that point we also wish to raise an issue of the unsolicited memorandum of counsel dated 17 December 2025, filed on behalf of the Matamata-Piako District Council (**Council**). That memorandum, and the submissions

contained within it, were not filed pursuant to a request for further information from the Panel under section 67 of the Act, and instead state that they were “filed further to the joint memorandum of counsel dated 11 December 2025”.

6. Once a person who is invited to comment has provided their comment under section 53, and absent a request by the Panel for further information from that person under section 67, the Act does not provide for persons who are invited to comment providing further information to the Panel. That reflects the procedural principle in section 10(1) of the Act, namely:

Every person performing functions and duties and exercising powers under this Act must take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being performed or exercised.

7. Given MDL is paying for the costs of the Council, it would request that the Council confine itself to responding to requests for information from the Panel. For the avoidance of doubt, and with one exception, MDL does not agree to pay Council’s costs during the suspension unless requested and approved. MDL does approve costs related to further work by the Council to finalise the Private Developer Agreement
8. Again for the avoidance of doubt, in Minute 7 the Panel requested that the Council provide it with the further information referred to in that minute. If the Panel is minded to grant MDL’s request that the processing of the application be suspended, MDL submits that the Panel would be assisted by that information being provided to it before the suspension commences.
9. Finally in Minute 9 of the Panel requested that MDL provide it with the information referred to in the table in paragraph 2 of that minute. That request went through all the sub-clauses of policy 1 of the National Policy Statement for Urban Development 2020, except policy 1(d). MDL seeks

confirmation that it was deliberate that policy 1(d) was left out of the request and no information is sought in relation to that sub clause?

DATED at Auckland this 19th day of December 2025



A handwritten signature in blue ink, appearing to read 'W S Loutit / P Lang', is written over a horizontal line.

W S Loutit / P Lang
Counsel for Matamata Development Limited