
MINUTE 20 OF THE EXPERT PANEL Response
to Memorandum of Counsel dated 26 February 2026
for Matamata Development Limited
Ashbourne [FTAA-2507-1087]

(26 February 2026)

1. The Panel has considered the memorandum filed by counsel for the Applicant dated 26 February 2026 and the concerns raised regarding the process the Panel intends to follow after issuing the draft decision which is expected to grant some approvals and decline others. The Panel also has regard to the matters addressed in Minute 19.
2. The Panel notes that the Applicant's submissions rely on section 70 of the Fast-track Approvals Act 2024 ("the Act") to suggest that the Applicant should be entitled to provide further evidence, submissions, or commentary following the release of a draft decision that contains both proposed grants and proposed declines.. The Panel must make clear that this interpretation is incorrect.
3. As the Panel stated in Minute 19, every effort has been made to ensure the Applicant is kept informed of the Panel's concerns and has had ample opportunity to provide material within the statutory timeframe (Minute 19, paras 20-22). The Applicant's proposal for a pre-draft-decision conference with the Panel to discuss "outstanding issues" was expressly stated to be inconsistent with the Act (Minute 19, para 23).
4. Section 69 governs the procedure where a Panel proposes to decline an approval in whole or in part. Under section 69, the Applicant may:
 - propose conditions,
 - propose modifications, or
 - withdraw part of its application.

Section 69 does not provide a right for the Applicant to comment on the draft decision, lodge new evidence, or request further hearings or conferencing.

5. In contrast, section 70 applies only where a Panel proposes to grant an approval. Section 70 requires the circulation of draft conditions for

comment before a final grant decision is made. It has no application whatsoever to any aspect of a draft decision that proposes to decline approvals, including where the draft decision contains both proposed grants and proposed declines.

6. The Applicant's memorandum assumes that section 70 provides broader procedural rights than it does. Because section 70 is not triggered for any component of a draft decision proposing to decline approvals, the Applicant's argument regarding the Panel's post-draft-decision process rests on a misunderstanding of the Act. This incorrect premise undermines the Applicant's concerns about the adequacy of process following the release of the draft decision.
7. For the avoidance of doubt, the Panel may regulate its own procedure under section 10 of the Act; however, such discretion must be exercised within the statutory framework. Sections 69 and 70 are deliberately distinct, operate in parallel in mixed draft decisions, and the procedural pathways they prescribe cannot be blended or expanded through interpretation.
8. The Panel therefore invites counsel for the Applicant to reconsider its position in light of the correct statutory framework set out above. If the Applicant wishes to make further submissions aligned with the respective application of sections 69 and 70, the Panel will receive them.
9. The Panel maintains its view expressed in Minute 19 (paras 26-30) that issuing the draft decision prior to expert conferencing remains both lawful and appropriate, including for a draft decision that contains both proposed grants and proposed declines, particularly given the significance of the outstanding stormwater and groundwater matters.



Sue Simons
Expert Panel Chair