
MINUTE 2 OF THE EXPERT PANEL

Project overview conference
Taranaki VTM Project [FTAA-
2504-1048]

(1 September 2025)

[1] As indicated in Minute 1 of the Expert Panel, dated 25 August 2025, an in-person briefing of the Panel by the Applicant will be held in Auckland tomorrow, 2 September beginning at 10am. The venue for the briefing will be the Grand Millenium Hotel, 71 Mayoral Drive, Auckland 1010. A full day has been set aside for this overview conference.

[2] The venue for the conference had not been determined by the time the Panel's Minute was issued. The briefing is not being held in private and any person interested in observing it is welcome to attend.

[3] On Friday, 29 August the Panel received criticism of its decision to hold the conference in Auckland and, it is suggested, to exclude mana whenua and other statutory participants. It is said that those decisions are inconsistent with tikanga and te Tiriti o Waitangi. In support of the criticism, reference is made to the Panel Conveners' Practice and Procedure Guidance (22 July 2025) including, specifically, paragraphs [11.5]-[11.7], [13.11] and [17.10]-[17.12]. We have also been referred to Te Poka Pū Māori | Māori Information Hub on the Fast-track website which contains information to help Māori participate in the Fast-track process: <https://www.fasttrack.govt.nz/process/te-poka-pu-maori-maori-information-hub/maori-invited-to-work-with-the-panel-on-a-project>. It is said there that "[p]anel conveners encourage panels to consider tikanga Māori in how they work" and examples of the ways in which mātauranga and tikanga principles may be incorporated into the procedures adopted by an Expert Panel are given.

[4] The Panel is fully cognisant of its obligation to apply the principles of natural justice and to adopt procedures that recognise tikanga Māori and mātauranga where appropriate.¹ It is mindful of the observations of the Supreme Court about such matters, in a different but highly relevant context, in *Trans-Tasman Resources v Taranaki-Whanganui Conservation Board*². It follows, therefore, that the Panel had regard to those obligations and the guidance of the Supreme Court and the panel conveners in determining the scope of tomorrow's conference and how it should be conducted.

[5] Given the complex nature of the application and the large volume of information that the Panel will be required to evaluate, the Panel considers it will be helpful to its understanding of the application to receive, as a preliminary step, an in-person briefing by the Applicant's representatives. Bearing in mind that the members of the Expert Panel have not had time to become fully informed of the detailed matters related to application, the briefing will assist the Panel's early understanding of the matters listed at [5] of Minute 1 of the Expert Panel dated 25 August 2025, particularly:

- (a) the content of the application for approvals;
- (b) the content and structure of proposed conditions, including management plans and strategic plan, and drafting style; and
- (c) key points of evidence (technical reports, assessments, and other supporting information).

[6] The increased understanding of the application will inform the Panel's decision on who, other than the statutory participants, should be invited to comment in the exercise of the Panel's discretion under s 53(3) of the Act. It is intended that all participants who respond to the invitation to comment will be given an opportunity to engage with the Panel at a conference on the matters listed in Minute 1 and at [13.11] of the Practice and Procedure Guidance,

¹ For example, in the conduct of any hearing it may hold during its consideration of the application: Fast-track Approvals Act 2024, s 58(1)(b).

² *Trans-Tasman Resources v Taranaki-Whanganui Conservation Board* [2021] NZSC 127.

including:

- (a) proposed site visit details;
- (b) relevant legal tests and legal issues in contention; and
- (c) other relevant procedural matters.

[7] Tikanga Māori principles will be observed at any such conference. It is likely that it will be convened at an appropriate venue in Taranaki.

[8] So far as tomorrow's briefing is concerned, however, the Panel regards it as an opportunity to become better informed about the details of application; an exercise to which parties other than the Applicant will not be able to contribute usefully. Notwithstanding the criticism it has received, the Panel maintains that view. Moreover, in convening the briefing pursuant to its power to determine its own procedures, the Panel was mindful of the need to "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."³

[9] As indicated in Minute 1, the Panel recognises that statutory participants and other potential commenters must be provided with the same information as that provided to the Panel at the briefing. We confirm, therefore, that the briefing will be recorded and that the recording will be transcribed. The resulting material will be made available on the Fast-track website as soon as is practicably possible following the briefing.



Hon. Kit Toogood KC
Expert Panel Chair

³ Fast-track Approvals Act 2024, s 10(1).