

Fast-track Approvals Act 2024

MINUTE 3 OF THE EXPERT PANEL

Comments received under section 53 and appointment of special advisor
Waihi North [FTAA-2504-1046]

5 September 2025

The s 53 invitations

[1] On 28 July 2025 the Waihi North Expert Panel (the Panel) issued Minute 1 inviting under s 53 of the Fast Track Approvals Act 2024 (the Act) comments on the application

[2] On 1 August 2025, Minute 2 was issued inviting comments from parties who were mistakenly omitted from the initial invitation.

The comments received in accordance with the minutes

[3] Comments were due from the parties identified in Minute 1 by 25 August 2025, and are now available to view on the fast-track website here: <https://www.fasttrack.govt.nz/projects/waihi-north/comments-from-invited-parties>

[4] No comments were received from the parties identified in Minute 2, with comments closing on 29 August 2025.

The response of the Applicant to the comments received in accordance with Minute 1

[5] Under s 55 of the Act, the Applicant may provide a response to comments no later than five working days after comments close. The Applicant had until 1 September 2025 to respond to the Minute 1 comments that were received within time.

[6] The Applicant has responded within time to those comments.

Late comments received

[7] Since the closing of comments, several comments have been filed out of time. Under s 81(6) of the Act, the Panel may (but is not required to) consider comments filed after the applicable timeframe at its discretion.

[8] The Panel has opted to consider late comments from the following parties:

- (a) Ngāti Hako Trust
- (b) Mike and Carol Hayden

[9] It has also accepted additional information from Forest and Bird.

Uninvited comment received

[10] A comment has been received from one person, who was not an invited party listed in either Minute 1 or 2.

[11] Under clause 10(1) of Schedule 3 of the Act, a Panel must regulate its own procedure as it thinks appropriate, without procedural formality, and in a manner that best promotes the just and timely determination of the approvals sought in a substantive application.

[12] The Panel has decided to accept this person's comment for consideration, as doing so does not have any adverse impact of the statutory process.

Will the Panel consider any additional late or uninvited comments?

[13] Consideration of any additional late or uninvited comments would have the potential to disrupt what is already a tight timetable. For this reason, the Panel is unlikely to accept any such comments from this point on.

Publishing of Applicant's response to comments received

[14] The Applicant has requested that the publishing of its responses to all comments be delayed. Its concern was that publishing its responses at a time when there is still a potential for more comments to be received might create an opportunity for replies to its responses. This would not be consistent with the overall scheme of the process provided for by the Act.

[15] Although, as noted, the Panel is unlikely to accept any additional comments, it has decided to delay publishing the Applicant's responses until 8 September 2025. The Environmental Protection Authority (EPA) will contact the parties that provided comments on the application to notify them when the applicant's response is available to view.

[16] The applicant's response will be published on the fast-track website here: <https://www.fasttrack.govt.nz/projects/waihi-north/applicants-response-to-comments>

Other matters and directions

[17] The EPA has notified the Panel that an administrative error led to some documents filed by Coromandel Watchdog of Hauraki Incorporated not being passed on to the Applicant until 1 September 2025.

[18] In order to allow the Applicant sufficient time to consider the complete information from Coromandel Watchdog, the late comments, and the uninvited

comment, the Applicant will have until **10 September 2025** to file a response to those specific comments.

[19] The late and uninvited comments, along with the additional material lodged by Forest and Bird will be available on the fast-track website here: <https://www.fasttrack.govt.nz/projects/waihi-north/comments-from-invited-parties>

Requests for certain information to be withheld

[20] In response to the invitation to comment, a Cultural Impact Assessment (CIA) was received from Ngāti Pū and marked as confidential. Additionally, the Applicant claimed that certain information contained within the comments received from the Ministry for Business, Innovation, and Employment (MBIE) is commercially sensitive.

[21] Clause 11 of Schedule 3 of the Act provides that when an expert Panel is assessing a proposed approval under the Resource Management Act 1991 (RMA), section 42 of the RMA applies with any necessary modifications.

[22] The Panel has decided:

- (a) Not to publish Ngāti Pū's CIA on the fast-track website, and;
- (b) Subject to further decision of the Panel, to publish MBIE's comments on the fast-track website in redacted form. As this wording indicates, the Panel may in the future reconsider whether the redacted material should be published.

Appointment of special advisor

[23] Under clause 10(2) of Schedule 3 of the Act, the Panel may appoint a special adviser to assist the Panel with a substantive application in relation to any matters

the Panel may determine.

[24] The Panel has appointed Carey Vivian from Vivian + Espie Limited to assist with decision writing matters.

A handwritten signature in black ink, appearing to read 'Wm Young', is positioned above the printed name.

Sir William Young KNZM KC

Waihi North Expert Panel Chair