
MINUTE OF THE PANEL CONVENER

Making directions following conference

[FTAA-2603-1186]

1 July 2026

[1] A conference was held on 30 June 2026 to gather participant views on matters arising in relation to the application filed under the Fast-Track Approvals Act 2024 (FTAA).

[2] I am grateful for the consideration given to this application in the detailed memoranda filed. A list of persons who attended the conference is attached to this memorandum and marked “A”. The EPA will provide the memoranda to the panel after it is set up, they serve as a snapshot of the current topics and issues.

[3] The local authorities and administering agencies having identified significant information gaps, it was clear from the outset of the conference that the application was not ready to be passed on to an expert panel to decide. The only issue that I need to decide now is what happens next.

[4] The applicant proposed the panel be setup and then suspended before comments are sought. The suspension is to allow time for the applicant to respond to the gaps in information.¹ I record that the applicant does not necessarily accept that all the matters identified are gaps in information; it says some matters may reflect differences in opinion between experts and are best left for the panel to

¹ I understand that the applicant envisages the panel requesting it to provide further information. The applicant would prepare a list of items which it would invite the panel to endorse.

resolve.

[5] The alternative course is that I do not set up the panel until the applicant provides the further information. The applicant does not prefer this course reminding me of a procedural requirement under s 10 FTAA, that the convener is to act 'promptly'.

[6] Rather than 'promptly', s 10 provides:

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] The question before me is whether it is a more timely, efficient, consistent, and cost-effective process that the panel be set up and then suspended or, alternatively that the applicant engages with the other participants and resolves the information gaps?

[8] For the following reasons, I find that it is a more timely, efficient, consistent, and cost-effective process for the applicant to resolve the information gaps before the panel is set up:

- (a) as convener I have no jurisdiction to appoint and then suspend the panel. Only the applicant can seek a suspension of the application;
- (b) a decision whether to suspend involves an exercise of discretion and is a matter for the panel;
- (c) unlike s 92 of the RMA, under the FTAA the local authorities cannot place an application on hold while information gaps are addressed. Likewise, the panel may direct the provision of further information, but cannot, on its own initiative, either suspend or place the application on hold pending production of that information;
- (d) while not entirely accepted by the applicant, it is clear to me that the

information gaps identified by the local authorities (in particular) are extensive;

- (e) the participants have no control over when information is produced and, depending on its extent and scope, may be prejudiced by the limited time to respond and by the availability of their experts;
- (f) this may create inefficiencies in the processing of the application, if, for example, participants seek recourse to s 67 for additional time. Such contingencies cannot readily be anticipated or accommodated within the statutory timeframe;
- (g) finally, information gaps include up to ten additional approvals that may be required under the Regional and District Plans. Based on the description of the activities in the application, ORC is unable to determine what is proposed, and therefore whether further or different approvals are required. I understand the issue here goes beyond merely not identifying the relevant rules in relation to which consent approvals are sought.

[9] At the time of lodgement, the application exceeded 100 documents with a total page count 3,709.² This has increased since the production of further information during the EPA's scope and completeness check process. This is a complex application, without adding to the complexity by its iterative development. The fixed timeframe for a decision under the FTAA does not easily accommodate this approach. This is a primary reason for the conveners encouraging pre- and post-lodgement engagement.

[10] While the applicant has a different view from some participants as to the quality of engagement that has taken place, in many respects what is identified by participants as information gaps appears reasonable on its face. I anticipate significant progress can be made through in-person meetings and site visits by the

² Further information supplied in response to EPA request made under s 46 increases the number of documents filed.

relevant experts and strongly encourage that this happens by 17 July 2026. Overcoming some of the information gaps identified is not necessarily onerous. Even so, the production of further information is unlikely to resolve all issues between the applicant and the other participants, but it may well narrow the issues in contention, improve efficiency and reduce overall costs.

[11] Finally, I do not accept the applicant’s criticism that requiring information as to the issues that arise is a level of “forensic” analysis that is not necessary to determine the timeframe required if it is towards the upper range. I disagree. It is information required to make an informed decision on timeframe³ and composition of the panel, presently I am not in a position to do this. While I note that the local authorities say a 90-working day timeframe is required I do not know if this timeframe will be adequate given that various processes such as hearings, expert conferencing, and engagement on condition sets and management plans are anticipated. In the circumstances, the timeframe set for the decision should not be used to resolve preliminary issues around information.

Directions

[12] By **8 July 2026**,

- (a) QLDC, having conferred with NZTA, will file and send to the applicant a preferably agreed scope for an integrated transport assessment (ITA).

[13] By **10 July 2026**,

- (a) The applicant, having conferred with the local authorities and administering agencies, will:
 - (i) scope the information gaps and the timeframe for production of further information;

³ Pursuant to s 79.

- (ii) detail any arrangements to meet with the local authorities and administering agencies as part of the above process.
 - (iii) giving reasons, identify any matters on which the applicant does not agree to produce further information.
- (b) Kā Rūnaka and the Applicant will file an agreed, amended set of conditions.

[14] The application will be set down for a second conference on or after **17 July 2026**.

A handwritten signature in black ink, appearing to read 'Jane'.

Jane Borthwick

Panel convener for the purpose of the Fast-Track Approvals Act 2024

Attachment A

Participants at the convener conference:

Ridgeburn Limited (the Applicant)

- Olivia Fitzgerald
- Kurt Gibbons
- Nick Roberts
- Jeremy Brabant
- Cameron Hodgson
- Alex Devine

Queenstown Lakes District Council

- Onur Oktem Lewis
- Marcus Langman
- Sarah Scott
- Fiona Blight

Otago Regional Council

- Jenny Ross
- Hannah Goslin

Department of Conservation

- Terry Calmeyer
- Susan Newell

Heritage New Zealand Pouhere Taonga

- Mel Russell

Kā Rūnaka Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Waihōpai Rūnanga, Te Rūnanga o Awarua and Te Rūnanga o Ōraka-Aparima (Kā Rūnaka)

- Ben Williams