
MINUTE 4 OF THE EXPERT PANEL

Arrangements for facilitated conditions workshop
Takitimu North Link – Stage 2
[FTAA-2507-1085]

6 January 2026

[1] This minute records that the Panel has directed that a conditions workshop be facilitated by Marlene Oliver and has delegated the necessary arrangements associated with that workshop to Marlene Oliver with the assistance of the EPA as required.

[2] In its Minute 2, the Panel appointed Marlene Oliver to facilitate any expert conferencing which the Panel considers would benefit from an independent facilitator.

[3] In its Minute 3, the Panel made directions in relation to facilitated expert conferencing on ecological issues, which is scheduled to take place in Tauranga on 20 January 2026. The Panel also asked for parties' comments as to whether a facilitated conditions workshop would be useful. Parties provided comments in response, which are the subject of the **attached** memorandum to the Panel from Marlene Oliver dated 24 December 2025.

[4] That memorandum advises that the Department of Conservation, the Applicant and Penny Hicks either support or do not oppose a facilitated session on conditions. Both the Regional and District Councils also support a session on

conditions but did not express a view on whether it should be facilitated.

[5] Parties have subsequently sought clarification as to whether the conditions workshop is limited to the approvals sought under the Resource Management Act 1991 (resource consents and alteration to designation), or whether it should also include the archaeological authorities, wildlife approval, and approvals for complex freshwater fisheries also sought by the Applicant.¹

Directions

[6] The Panel directs that:

- The conditions workshop is to be facilitated by Marlene Oliver and will be held in Tauranga on **Wednesday 21 January 2026**;
- Attendance in person is required, unless there are exceptional circumstances which prevent in person attendance, in which case requests can be made of the conference facilitator, Marlene Oliver (contact details below);
- The conditions workshop will address the conditions of all approvals sought by the Applicant, focussing on outstanding issues between the parties;
- Participants should have relevant expertise, and the workshop should be facilitated in accordance with the Code of Conduct for Expert Witnesses in the Environment Court's Practice Note [2023] to the extent relevant. Any questions in relation to participation or process should be directed to Marlene Oliver;

¹ Under the Heritage New Zealand Pouhere Taonga Act 2014, Wildlife Act 1953 and Freshwater Fisheries Regulations 1983 respectively.

- The Panel delegates the co-ordination and facilitation of the conditions workshop to Marlene Oliver with the assistance of the EPA as required. Any questions relating to the workshop should be directed to Marlene Oliver by emailing [REDACTED]
- Any further directions required in relation to the conferencing that cannot be resolved by Marlene Oliver will be made by the Panel on or following Monday 12 January 2026.²



Mary Hill
Takitimu North Link – Stage 2 Expert Panel Chair

² This Minute has been issued during the statutory shut-down period for logistical reasons, given it has been necessary for parties to make travel arrangements to attend the expert sessions. The directions included in this Minute are of a procedural nature or matters of clarification. Any substantive directions required to be made by the Panel in relation to the conferencing can be made once processing of the application resumes on Monday 12 January. This approach is consistent with the procedural principles in the FTAA which require timely, efficient, consistent and cost-effective processes.

Memo to: Takitimu North Link - Stage 2 - Expert Panel Chair and Members

From: Marlene Oliver (Independent Facilitator – Expert Conferencing)

Date: 24 December 2025

Subject: Expert Conferencing – Conditions Workshop

1. Minute 3 of the Expert Panel (dated 19 December 2025) addressed, inter alia, Expert Witness Conferencing. At paragraphs 7 and 12(c) the Panel invited parties to advise whether they consider that a conditions workshop involving the planners would be useful and, if so, whether they consider it should be facilitated.
2. The following summary sets out the comments received from the listed parties:
 - Department of Conservation - supports a facilitated session of Planners on conditions
 - Applicant (Counsel for NZTA) - not opposed to a conditions session, but it should be facilitated if held
 - Bay of Plenty Regional Council- supports a session on conditions (no comment made on facilitation)
 - Western Bay of Plenty District Council- supports a session on conditions, no preference for facilitation or not
 - Penny Hicks - supports a facilitated conditions session
3. The EPA staff administering this application are asked to place this Memo before the Expert Panel.