

BEFORE THE PANEL CONVENER

UNDER

The Fast-track Approvals Act 2024, s 42 and
in the matter of an application for approvals for
the construction and operation of a structural
steel manufacturing plant by Green Steel,
being a project listed in Sch 2 of the Fast-track
Approvals Act 2024

BETWEEN

National Green Steel Limited

Applicant

AND

Waikato Regional Council

Local authority

MEMORANDUM ON BEHALF OF THE WAIKATO REGIONAL COUNCIL

Dated: 29 September 2025

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MAY IT PLEASE THE PANEL CONVENER

1. On 10 September 2025, the Panel Convener issued Minute 4, outlining the expert Panel appointment process, taking into account the requirements of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (**River Settlement Act**), the Fast Track Approvals Act 2024 (**FTAA**) and the procedural requirements of two Joint Management Agreements between Waikato-Tainui and the Waikato Regional Council (**WRC**) and Waikato District Council that derive from the River Settlement Act.
2. The Convenor asked the EPA to appoint the following persons to the Green Steel Expert Panel to determine the substantive application:
 - a. Matt Casey KC (chair) – a joint appointment by the Panel Convener and the WRA;
 - b. Tim Manukau (matauranga, te ao Māori and Māori development, including Te Ture Whaimana) – a Waikato River Authority appointment;
 - c. Tim Baker (hydrogeology and land contamination) – a Panel Convener appointment;
 - d. Cherie Lane (Planner) – joint councils' nominee.
3. On 24 September 2025, counsel for Te Whakakitenga o Waikato filed a memorandum requesting that the Panel Convenor use her discretion under clause 3(7) of Schedule 3 of the FTAA to enable WRA to appoint an additional panel member to accommodate matters unique to the relevant iwi participation legislation, that being the River Settlement Act.

The River Settlement Act

4. Section 28 of the River Settlement Act requires:

28 Hearing committees

- (1) This section applies if the Council holds a hearing under the Resource Management Act 1991 on the application.

(2) The committee to hear and make a decision on the application must consist of—

(a) a number of members appointed by the Council who are Resource Management Act 1991 decision makers; and

(b) the same number of members appointed by the Authority who must be persons whose names are recorded in the register; and

(c) an independent chairperson jointly appointed by the Authority and the Council, who must be a Resource Management Act 1991 decision maker.

(3) The Authority and the Council must discuss the persons to be appointed to the hearing committee with a view to ensuring that the committee contains members with an appropriate mix of skills, expertise, and experience.

5. In Minute 4 of the Panel Convener, the Convener agreed that the process in s28 of the River Settlement Act was appropriate, finding:¹

[15] After careful consideration I have reached the view that compliance with clause 5(2), Schedule 3 of the FTAA requires the panel convener to follow the process under section 28 of the River Settlement Act as if I am the relevant decision maker, which in the context of both this application and section 28 is WRC. The Regional Council would be the relevant decision maker on this application had it been lodged under the RMA. Given the possibility of a hearing on this application, it is appropriate to invoke the appointment process as envisaged under section 28 and for me as panel convener to "step into the shoes" of the WRC.

6. The process under section 28 of the River Settlement Act anticipates that the panel is made up of an uneven number of members, comprising a joint Waikato River Authority (**WRA**) and local authority chair, and an equal number of local authority and WRA appointees. The usual process is to appoint three, five or seven members, comprising equal numbers from both entities (WRC and WRA) and then a joint appointment of a chair.

7. As such, WRC agrees with Te Whakakitenga o Waikato that the proposed Panel is unbalanced from a River Settlement Act perspective, and that the composition of the Panel should be amended so that there is an uneven number of members.

¹ Minute 4 of Panel Convener.

8. Counsel for WRC observes that this could be achieved in two ways:
 - a. Having one less Panel member; or
 - b. Adding one Panel member.
9. WRC submits that it is important that the Panel Convener strictly complies with the requirements in the River Settlement Act, in order to avoid any later challenge to a decision of the Panel on the grounds that the proper process was not followed.
10. WRC is neutral as to which of the options at paragraph 8 is taken.

DATED 29 September 2025


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A L McConachy
Counsel for the Waikato Regional Council