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**RESPONSE BY THE WAIKATO REGIONAL COUNCIL AND WAIKATO DISTRICT COUNCIL TO MINUTE 2 OF THE PANEL CONVENER**

**Preparation for conference - Councils and WRA, Waikato-Tainui**

**[Green Steel] [FTAA-2506-1074]  
(3 September 2025)**

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- [1] The Waikato Regional Council (WRC) and Waikato District Council (WDC) are in receipt of Minutes 2 and 3 from the Panel Convener for the Green Steel Fast-Track Approvals Act 2024 process.
- [2] As requested within these Minutes the Councils (Waikato Regional Council and Waikato District Council) and the Waikato River Authority along with a Waikato-Tainui representative met to discuss the matters detailed within Minute 2 on 28 August 2025.
- [3] The Councils have agreed to provide a joint memorandum in response to Minute 2. The Councils understand the Waikato River Authority and Waikato-Tainui will provide a separate joint memorandum in response to Minute 2.
- [4] At paragraph [4] of the memorandum requests the Councils' views on:
  - (a) The interface between the panel appointment process under this Act and the decision maker appointment process under the Settlement Act, and in particular the process requirements for such appointments;
  - (b) How the process and procedural requirements for consent applications set out in the Joint Management Agreements can be accommodated within the fast track process;
  - (c) Whether any modifications to those process and procedural requirements to ensure alignment with the fast track process would be acceptable to the Waikato River Authority; and
  - (d) The extent to which compliance with the requirements of the Joint Management Agreements may impact the setting of a decision timeframe for this application.

**Paragraph 4(a)**

- [5] The Councils note at para 54(b) of the s18 Report it correctly identifies the relevant legislative matters relating to the appointment of panel members.

- [6] The s18 Report provides that Schedule 3 clause 5 of the Fast Track Act applies, and in this case the **Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010** is applicable. Section 28 of this Settlement Act provides for the hearing panel to be set as follows:

***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—*
  - I. *a number of members appointed by the Council who are Resource Management Act 1991 decision makers; and*
  - II. *the same number of members appointed by the Authority who must be persons whose names are recorded in the register; and*
  - III. *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.*

- [7] Given, Schedule 3 clause 5 of the Fast Track Act, the Councils consider the panel members are to be appointed via the **Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010** unless an agreement is reached for a modified arrangement as per the Fast Track legislation (Note WDC has a slightly different view on this at para [8] below).

- [8] The Waikato District Council advises:

*At Waikato District Council, staff do not have delegation to nominate a person to be a member of the expert panel.*

*These responsibilities under schedule 3; clause 3 of the Fast-track Approvals Act 2024 require approval of Waikato District Council's Submission Forum.*

*In order to obtain this approval, Council staff are required to provide a recommendation to Waikato District Council's Submission Forum, who then have 24 hours to provide a response back to staff.*

*Furthermore, it appears that the modification required is under the **Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010** and Waikato District Council is not yet able to confirm the delegations required to modify this.*

- [9] The Panel Convener is advised the Councils are not yet in a position to agree to a modified arrangement. The Councils are however, open to consideration of a modified arrangement that is consistent with achieving the purpose of the Fast-Track Act. Waikato Regional Council staff have the delegations to nominate a person to be a member of the expert panel and reach a modified agreement if required.
- [10] The view by WDC at para [8] that the modification required is under the **Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010** is not a view held by WRC.

#### **Paragraph 4(b)**

##### **Waikato Regional Council**

- [11] The relevant Joint Management Agreement with the Waikato Regional Council is titled “**JOINT MANAGEMENT AGREEMENT Waikato Raupatu River Trust and Waikato Regional Council**” dated 18 June 2013.
- [12] There are three matters the WRC considers relevant to the process and procedural requirements for consent applications set out in the Joint Management Agreement to be accommodated within the fast track process. These matters relate to:
- i the requirement to give advice to Waikato-Tainui and the Waikato River Authority of the application within one working day of the application being received under s88 of the RMA (Table 1 of Schedule 3:);
  - ii when considering the adequacy of information provided in an AEE, the Council may have particular regard to:
    - any deficiencies in the AEE as to the effects of the application on the health and wellbeing of the Waikato River;
    - whether the information provided enables the Council to make an adequate assessment of the application against the Vision and Strategy; and
    - any advice from Waikato-Tainui to determine whether further information is required.

- iii The supply of information to Waikato-Tainui throughout the process as soon as reasonably practicable.

- [13] WRC are of the view that the requirement for notice of the application to be sent to Waikato-Tainui can be considered to have been achieved with notice to Waikato-Tainui via the Fast Track application process.
- [14] WRC consider the adequacy of the application can be assessed and be accommodated via the Fast Track application process.
- [15] Other matters detailed within the JMA relating to the supply of information can be addressed via notice to Waikato-Tainui through the Fast Track application process.

#### **Waikato District Council**

- [16] The relevant Joint Management Agreement for WDC is titled “**THE WAIKATO RAUPATU RIVER TRUST and WAIKATO DISTRICT COUNCIL JOINT MANAGEMENT AGREEMENT**” dated 23 March 2010.
- [17] With regard to resource consents, Schedule B of the JMA applies to applications to the Waikato District Council (Council) for resource consents for the use of or activities on the surface of the water in the Waikato River. Given the activity is not for the use of, or on the surface of the water in the Waikato River, this Schedule is not applicable to the application.
- [18] Schedule A of the JMA applies to monitoring and enforcement requirements exercised under the Resource Management Act 1991 that affects the Waikato River and its catchment (definition provided in the Waikato Raupatu claims (Waikato River) Settlement Act 2010) this could be applicable if consent is granted.
- [19] Overall, there are no other matters considered relevant to the process and procedural requirements set out in the respective JMA’s that are not currently provided for via the Fast Track application process.

#### **Paragraph 4(c)**

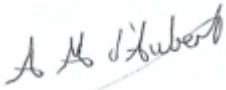
- [20] This is a matter for Waikato-Tainui and the Waikato River Authority to respond back on.

**Paragraph 4(d)**

[21] The Councils do not consider the Joint Management Agreements have any impact on the decision timeframe for this application.

**Conclusion**

[22] The Councils are open to a modified arrangement if the other parties are agreeable and if this process is practicable within a relevant timeframe. If appropriate then further, discussions on what such a modified arrangement would consist of would be of benefit.



AnaMaria d'Aubert  
Manager – Regional Consents  
Waikato Regional Council



Ella Makin  
Land Use Consent Team Manager  
Waikato District Council