

BEFORE THE PANEL CONVENER

IN THE MATTER

of an application for approvals
("Application") under s42 of the Fast-track
Approvals Act 2024 ("FTAA") FTAA-2506-
1076

AND

IN THE MATTER

of the construction and operation of a
structural steel manufacturing plant by
Green Steel, being a project listed in
Schedule 2 to the FTAA

**MEMORANDUM OF WAIKATO DISTRICT COUNCIL RESPONDING TO MINUTE 6 OF THE PANEL
CONVENER OF 26 SEPTEMBER 2025**

30 SEPTEMBER 2025

MAY IT PLEASE THE PANEL CONVENER:

1. This memorandum is drafted in response to Minute 6 of the Panel Convener dated 26 September 2025 seeking comments from the parties in relation to the Memorandum of Counsel for Te Whakakitenga o Waikato dated 24 September 2025 (**TWoW Memorandum**).
2. Waikato District Council (**WDC**) has also considered the Memorandum of Counsel for the Applicant dated 29 September 2025 (**Applicant's Memorandum**).
3. WDC notes that clause 5 of Schedule 3 of the FTAA applies if any Treaty settlement Act includes procedural arrangements relating to the appointment of a decision-making body for hearings.
4. Subclause 5(2) then requires the Panel Convenor to either comply with the arrangements in the legislation as if they were a relevant decision-maker or obtain the agreement of the relevant party under the legislation to adopt a modified arrangement.
5. Section 28 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (**Settlement Act**) provides that if the Council holds a hearing, the committee to hear and make a decision on an application must consist of an equal number of committee members appointed by the Council and committee members appointed by the Authority in addition to an independent chairperson.
6. Although the Settlement Act defines Council as Waikato Regional Council, and the Authority as the Waikato River Authority, the inclusion of WDC is required under clause 3(3) of Schedule 3 of the FTAA.
7. The make up of the panel in this matter must comply with s28 of the Settlement Act, that is have an equal number of committee members appointed by the Council and the Authority (excluding the independent chair) unless agreement is obtained from the Authority for a different arrangement.
8. WDC supports the content of the TWoW Memorandum in that the current make-up of the Panel is unbalanced and agrees with the position as set out in paragraph 5 of the Applicant's Memorandum, in that there are two options available to the Panel Convener:
 - a. Remove one panel member; or
 - b. Appoint an additional member.
9. WDC does not have a preference as to whether the Panel Convener removes a panel member or appoints an additional member, but notes the agreement between all parties that the representational balance should be such that it complies with the requirements of the Settlement Act.



Ella Makin

Land Use Consent Team Manager