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## MINUTE OF THE PANEL CONVENER

Advising of the Expert Panel Appointments and Decision Timeframe  
FTAA–2505-1069

(30 October 2025)

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[1] A conference was held on 22 October 2025 for the purpose of informing my decisions on:

- (a) the appointment of panel members;<sup>1</sup>
- (b) the timing of the panel decision.<sup>2</sup>

[2] A list of persons attending the conference are set out in Appendix A.

### Waitaha Hydro Project

[3] This is an application for the approvals required for all necessary approvals required to construct, operate and maintain a Hydro-Electric Power Scheme on the Waitaha River including:

- (a) Resource consents (district and regional) that would otherwise be applied for under the Resource Management Act 1991 (s42(4)(a)) including any consents required by a National Environmental Standard.
- (b) Concession(s) that would otherwise be applied for under the Conservation Act 1987 (s42(4)(e)).
- (c) Wildlife approvals that would otherwise be authorities applied for

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<sup>1</sup> FTAA, schedule 3

<sup>2</sup> FTAA, section 79

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under the Wildlife Act 1953 (s42(4)(h)); and

- (d) Complex freshwater fisheries activity approvals that would otherwise be applied for under regulation 42 or 43 of the Fisheries Regulations (s42(4)(j)).

[4] Key elements of the project are set out in Appendix B.

### **Navigational aids**

[5] An application of this type is inherently complex, with this application engaging multiple disciplines within science, engineering, planning, and the law.

[6] The application is set out in 56 documents comprising 2930 pages of text. Included in the application are nine management plans and four sets of conditions, 79 figures and 36 tables. The conditions alone run to nearly 90 pages.

[7] The applications for the approvals are set out in the Assessment of Effects on the Environment (AEE). However, the AEE does not marshal the relevant information for each approval type into four sections of the AEE or into appendices. Instead, nested indices are used to guide the panel.

[8] Thus, for a Wildlife Approval, the following applies –

- (a) Pt A, Schedule A - Navigation Guidance Table for General Information Requirements
  - (i) Pt A, Schedule D - Navigation Guidance Table for Information Required for the Wildlife Act
    - (1) Wildlife Act Approvals Schedule 7
      - a. Clause 2 Information required for application for wildlife approval
        - i. Section 43(3)(h) and clause 2 of Schedule 7, the source documents and sections and page references are given to satisfy the information

requirements of the Wildlife Approval.

[9] For each approval the panel will need to read, retain, and evaluate discrete sections within the same and across multiple documents. The source documents include the AEE, proposed conditions, management plans, technical reports, and correspondence. In my personal experience, this can create inefficiencies.

[10] To support a smooth and efficient process, in the Guidance Note to the Act, the Panel Conveners counselled applicants to:<sup>3</sup>

lodge separate technical and assessment reports in respect of each type of approval to make processing easier. This enables the EPA to package up relevant documents for each administering agency when seeking reports.

[11] While the approach taken by the applicant may be efficient for the AEE report writer familiar with the content and may reduce the risk of inconsistency across supporting the documentation, it does not follow that a panel will find this efficient when information is marshalled this way. The FTAA does not drive this format as an outcome. There are other ways to marshal related content in an application in addition to what is suggested in the Guidance Note.

[12] To improve efficiency and reduce the risks around document handling, the Applicant is to advise whether the Navigation Guides in Pt A and D and the source documents can be hyperlinked. In addition, the applicant will also advise whether it is possible to produce an individual navigational guide for each of the approvals sought (again, with hyperlinks).

[13] The applicant is to report to the EPA by **Friday 31 October 2025** whether it can produce the above tables.

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<sup>3</sup> Clause 4.

## Engagement

[14] The applicant has engaged the two local authorities, Director-General of Conservation and Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio over a period of months – years.

[15] For these participants, the Applicant assured me that it is in a problem-solving mode, and any outstanding information requests will be provided before s 51 reports/comments were due. The other participants confirmed that they were working collaboratively with the Applicant to resolve any differences over proposed conditions of consent (including the management plans). This work is well advanced, and the Applicant's approach is commendable.

[16] In addition to the three approvals for which the Director-General is the administering agency, the Director-General will likely give commentary on the biodiversity, landscape, natural character and recreational values engaged by the consent approval. The Director-General will not recommend whether the approvals be granted or declined, rather if the panel is minded granting the approvals she will propose suitable (preferably agreed) conditions.

[17] Finally, the Director-General notes that the panel may be requested by her Minister to impose conditions on the approvals pursuant to s 78.

## Complexity

[18] On time frame, the Applicant acknowledges a hydro scheme inherently involves technical and factual complexity. Complexity arises because, among other reasons, the FTAA engages with other statutory regimes for the various approvals applied for, requiring consistency between intersecting conditions and nine management plans, across those different regimes.<sup>4</sup>

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<sup>4</sup> Applicant's memorandum dated 10 October 2025 at [8].

[19] The Applicant proposes that the panel release its draft decision and conditions within 20 working days. The 20 working days would commence after the Applicant has responded to the comments filed by other participants. This timing is important because it marks the point at which the panel may proceed to determine the application or direct any further procedural steps required. The applicant contends 20 working days is reasonable given that it is working hard to narrow or resolve issues arising with the participants at this conference and that the panel will have read the application prior to the comments being received.

[20] The local authorities and Director-General agree this application gives rise to evidential and technical complexity. This is so, even though they have engaged extensively with the Applicant over a long period of time. The Regional Council is finding the number of management plans (there are nine) by which environmental outcomes are to be secured challenging work; at the present time they have uncertainty around the projected outcomes. The Director-General recommends the time frame accommodate requests for further information/reports (s 67) and to allow other processes to narrow or resolve contested evidence such as expert conferencing or mediation. The Applicant and Director-General commented upon likely opposition to the application particularly from people recreating in the area.

[21] In addition, the Applicant proposes participants have 5 working days to respond to draft conditions (including management plans). While I am encouraged by the engagement of these participants, the position of other persons who may be invited to comment is mostly unknown. Given the transdisciplinary nature of the technical reports received and the intersecting bundles of conditions and management plans, it is important to ensure that the assessment process remains coherent and well-integrated across disciplines. I will work on the basis that the panel will afford participants 10 working days to respond. On the information before me, the 15 working days for the panel to finalise its decision appears appropriate.

[22] I return to the suggested 20 working days proposed by the applicant for the panel to release a draft decision. As the decisions released to date attest, the Act's processes for evaluation and decision-making are rigorous. The expectation of all participants is high; working well under this legislation requires a focus on the matters of consequence to the decision.

[23] That said, the appointment of experts to the panel is to rapidly identify the principal issues in contention and either to make findings on those issues or direct appropriate processes to narrow or resolve differences. If there are differences, then the time frame must be appropriate to either resolve through the processes described in the Guidance Note if necessary. A 35-working day timeframe better allows for this and is appropriate having regard to the scale, nature and complexity of the approvals sought.

### **Decision on time frame**

[24] Having considered feedback received during the Convenor's Conference, including from the relevant administering agencies, and having regard to the scale, nature and complexity of this application, the decision time frame is 60 working days from the date that invitations to comment close. This is an additional 15 working days to the time frame suggested by the Applicant.

[25] The panel commencement date, for the purpose of section 53 of the Act is 5 November 2025. The panel will invite comments from participants by 19 November 2025, and comments will be due by 17 December 2026. The applicant's comments in response will be due 14 January 2026. Subject to the processing of the application being suspended for any of the reasons outlined in section 60 of the Act, the decision on the application will be due on 13 April 2026.

### **Skills, qualifications and experience of expert panel**

[26] Having canvassed the matter with participants at the Convener's Conference and taking into consideration the circumstances set out in clause

3(7)(c) and (e) of Schedule 3, I consider that there are circumstances warranting the appointment of more than 3 persons.

[27] In accordance with the Mana Whakahono ā Rohe: Resource Management Act Iwi Participation Arrangement, I have consulted with Ngāti Waewae and Ngāti Māhaki who share a joint interest in the area proposed for the hydro scheme. In consultation with them, no appointment to the panel has been made.

[28] Having considered all the matters under clauses 3, 4, and 7 of Schedule 3 of the Act, I appoint the following persons to the Panel:

- (a) Vicki Morrison - Shaw (chair)
- (b) Tony Cussins
- (c) Nick Eldred (local authority nominee)
- (d) Josh Markham
- (e) Dean Chrystal

[29] I have satisfied myself that the panel collectively understands te ao Māori and Māori development (clause 7 of Schedule 3) and that the panel has, collectively, the knowledge, skills, and expertise relevant to the approvals sought in the substantive application. The panel members have satisfied me that they have no conflict of interests.

[30] Finally, as requested by participants, I have satisfied myself that the panel has experienced decision-makers in the disciplines of landscape, natural character and recreational value.



Jane Borthwick

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

**Appendix A: Persons attending the Convener's Conference**

Jane Borthwick

Shona Bradley

Paul Beverley

Jon Bright

Michelle Flay

Hamiria Ngaamo

Martin Kennedy

Rachael Balasingam

David Allen

Mason Jackson

Olivia Anderson

Kara Edwards

Rachel Clark

Emma Fahey

Steven May

Lilly Merrall

June Cahill

## **Appendix B – project description**

The Project is a run-of-river Scheme with no in-stream or off-stream storage.

The proposed headworks include a weir and intake structure situated at the top of Morgan Gorge that will divert up to 23 m<sup>3</sup> /s of water into a pressurised water tunnel designed to convey the water firstly into a desander where sediment material is removed, and then down to a Power Station located below Morgan Gorge. Once the diverted water has passed through the Power Station, it is returned to the Waitaha River via a tailrace near the confluence with Alpha Creek.

The Power Station will include two turbines and generation equipment with an installed peak output of 23MW. It is anticipated the Scheme will generate between 120 and 140 GWh per year – providing an equivalent amount of renewable electricity to power approximately 12,000 New Zealand homes.

Construction and maintenance access to the Headworks will be via an access tunnel running parallel to the pressurised water tunnel.

The Project also includes an access road between the Power Station and Anderson Road (near its intersection with the southern end of Waitaha Road) and a new 66kV transmission line between the Power Station and the existing Waitaha Substation (part of the Westpower network). Existing transmission and connection infrastructure, from near the northern end of Waitaha Road (at State Highway 6) through to, and including, the Waitaha Substation.

### Appendix 3<sup>5</sup>

| Task                                                         | Working Days                                             | Date                        |
|--------------------------------------------------------------|----------------------------------------------------------|-----------------------------|
| Panel commencement                                           | n/a                                                      | 5 November 2025             |
| Invite comment from relevant parties                         | 10 w/d later                                             | 19 November 2025            |
| Comments close for invited participants (ss 53 & 54)         | 20 w/d plus 3 w/d for receipt of invitation sent by post | 17 December 2025            |
| Comments close for applicant (s 55)                          | 5 w/d later                                              | 14 January 2026             |
| Any other procedural steps, evaluation, and decision writing |                                                          | To be directed by the panel |
| <b>If draft decision is to approve</b>                       |                                                          |                             |
| Draft decision and conditions to Ministers (s 72)            | 30 w/d later from close of                               | 26 February 2026            |

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<sup>5</sup> Excluding Christmas period as set out in the Resource Management Act 1991 and statutory holidays

|                                                                                                                           |                         |                     |
|---------------------------------------------------------------------------------------------------------------------------|-------------------------|---------------------|
|                                                                                                                           | applicant's<br>comments |                     |
| Response from Ministers (s 72)                                                                                            | 10 w/d later            | 12 March 2026       |
| Draft conditions and decision to participants                                                                             |                         | 26 February<br>2026 |
| Participant comments on draft conditions                                                                                  | 10 w/d later            | 12 March 2026       |
| Applicant response to participants on<br>conditions<br>(s 70(4))<br>Applicant response to Ministers' comments<br>(if any) | 5 w/d later             | 19 March 2026       |
| Evaluate and finalise decision and conditions<br>and release final decision                                               | 15 w/d later            | 13 April 2026       |