
MINUTE OF THE PANEL CONVENER

Convener's Conference Bledisloe North Wharf and Fergusson North Berth Extension [FTAA-2502-1028] (10 April 2025)

Purpose of conference

[1] A conference will be held at **10am on Friday 2 May 2025**, a notice will issue shortly.

[2] The purpose of this conference is to gather participant views on matters arising under the Fast-track Approvals Act 2024 (FTAA). These views will inform two decisions I must make as panel convener regarding:

- (a) Appointment of panel members (FTAA, schedule 3).
- (b) The timing of the panel decision (FTAA, section 79).

[3] I note that the assessment of time for a decision must be made ahead of a panel being set up and acknowledge that the panel can set its own processes. Additionally, there may be persons not invited to this conference, invited by the panel to comment, who may have different views on process.¹ Your participation is essential to determining the time frame for the decision.² Not participating risks:

- (a) Insufficient time being allowed, impacting the quality of the decision-making and risking also not adequately engaging with the wider

¹ Persons commenting under s 53 may be requested to provide further report or information pursuant to s 67 and evidence pursuant to s 58.

² Assuming the default of 30 days does not apply. See s 79.

requirements of public law leaving the decision susceptible to appeal or review.

- (b) An overallocation of time which would not satisfy the procedural principles in section 10 of the Act.

Participants at the panel convener's conference

[4] The following persons are invited to attend the conference:

- (a) The authorised person or applicant -
 - (i) Ports of Auckland Limited
- (b) Relevant iwi authority and relevant Treaty settlement entities (schedule 2 **attached**).³
- (c) Relevant administering agency -
 - (i) Department of Conservation
 - (ii) Ministry for the Environment
- (d) Relevant local authority -
 - (i) Auckland Council

Accessibility and recording of the panel convener's conference

[5] The conference will be held remotely, with access provided to participants. Remote viewing by non-participants is at my discretion. After the conference, an audio or video link or written transcript will be made available. Details regarding access or remote viewing (if permitted) will be communicated three working days

³ FTAA, ss 18(2)(a). Section 7 states, relevantly, all persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with—the obligations arising under existing Treaty settlements. The panel has a discretion to invite the iwi authorities and the Treaty settlement entities together with other Māori groups with a relevant interest to comment.

before the conference.

[6] Schedule 1 (attached) outlines information requested to inform my decision on time frames and panel composition.

Cost-recovery

[7] The recovery of costs preparing for and attending at the conference may not be covered by the Act and its Regulations. To confirm cost-recovery please contact the Environmental Protection Authority.

Preparation

[8] In the interests of taking all practical steps to use timely, efficient, consistent and cost-effective processes, I ask that participants take time to consider the range of matters set out in Schedule 1 to this minute and be prepared to discuss their views on those matters to appropriately inform my decision on panel appointments and decision timeframe.

A handwritten signature in black ink, appearing to read 'Jane'.

Jane Borthwick

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

Schedule 1 – Matters to consider when preparing for conference

Approvals

[9] The number and range of approvals sought.

Complexity

[10] The level of complexity will have a bearing on the appropriate frame for decision making and includes:

- (a) Legal complexity: novel or difficult legal issues.
- (b) Evidentiary complexity: stemming from the volume, type, or technical nature of evidence, including likelihood of competing expert opinion evidence.
- (c) Procedural complexity:
 - (i) Applications for multiple approvals, increasing logistical demands on panels.
 - (ii) Applicant has not applied for all necessary resource consents and approvals to enable the project.

Panel membership

[11] Consider:

- (a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3.⁴
- (b) Whether there are factors that warrant the appointment of more than four panel members, such as:
 - (i) the circumstances unique to a particular district or region; or
 - (ii) the number of applications that have to be considered in that particular district or region; or
 - (iii) the nature and scale of the application under consideration; or
 - (iv) matters unique to any relevant iwi participation legislation; or

⁴ FTAA, schedule 3, cl 3(7).

Tikanga

[12] Iwi authorities and Treaty settlement entities are invited to advise:

- (a) Whether tikanga is relevant to any aspect of the applications for approval.
- (b) How the panel might receive assistance on those matters.
- (c) The time required to adequately respond.

Procedural requirements

[13] Consider and prepare to indicate:

- (a) Willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing).
- (b) Likelihood of any form of hearing process being required and, if so, time that should be allowed for such process in the time frame allocated by the panel convener. Forms of hearing include:
 - (i) Disputed fact or opinion or
 - (ii) Selected topics or issues which the panel seeks clarification (whether disputed or not).
 - (iii) Proposed conditions.
 - (iv) Legal issues.

[14] Is there any other information needed to decide time frames or panel composition?

Schedule 2: Relevant iwi authority and relevant Treaty settlement entities

- (a) Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua
- (b) Ngāti Whātua Ōrākei Trust, representing Ngāti Whātua Ōrākei
- (c) Hako Tūpuna Trust, representing Hako
- (d) Hauraki Māori Trust Board, representing 12 Hauraki iwi
- (e) Ngāti Maru Rūnanga Trust, representing Ngāti Maru
- (f) Ngāti Pāoa Iwi Trust, representing Ngāti Pāoa
- (g) Te Patukirikiri Iwi Trust, representing Te Patukirikiri
- (h) Ngāi Tai ki Tāmaki Trust, representing Ngāi Tai ki Tāmaki
- (i) Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā
- (j) Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki
- (k) Ngāti Tamaoho Trust, representing Ngāti Tamaoho
- (l) Ngāti Tamaoho Settlement Trust, representing Ngāti Tamaoho
- (m) Te Ākitai Waiohua Waka Taua Inc, representing Te Ākitai Waiohua
- (n) Te Ākitai Waiohua Settlement Trust, representing Te Ākitai Waiohua
- (o) Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga
- (p) Ngaati Whanaunga Ruunanga Trust, representing Ngaati Whanaunga
- (q) Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata
- (r) Tūpuna Taonga o Tāmaki Makaurau Trust/Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, representing the Tāmaki Collective⁵
- (s) Te Ohu Kai Moana, mandated iwi organisation
- (t) Taonga o Marutūāhu Trustee Limited, representing Marutūāhu Collective
- (u) Ngāti Koheriki Claims Committee, representing Ngāti Koheriki

⁵ EPA advise that the Tāmaki Collective were mistakenly omitted from the s 18 Report.