
MINUTE 2 OF THE PANEL CONVENER
Post-conference decisions on panel appointment and decision timeframe
Kaimai Hydro-Electric Power Scheme [FTAA-2502-1024]
28 November 2025

Participants

[1] On 19 November 2025 I held a convener conference in respect of this application. The conference was attended by the Applicant (Manawa Energy), the local authorities (Bay of Plenty Regional Council (BOPRC), and Western Bay of Plenty District Council (WBOPDC)), the Ministry for the Environment (MfE) and representatives of the following:

- a. Pirirākau Tribal Authority;
- b. Ngāti Hangarau;
- c. Ngamanawa Inc.

[2] For completeness, I record that all iwi authorities and Treaty settlement entities identified as relevant in the report prepared by MfE pursuant to section 18(2)(a) of the FTAA were invited to attend the conference. A number of other groups, including hapū affiliated to those iwi authorities, and landowners (of Māori land, mostly held in land trusts), were also identified in the section 18 report as having relevant interests. In accordance with convener practice that has developed over the past 9 month of FTAA implementation, those additional groups were not invited to the conference but were provided with a copy of Minute 1.

- [3] Pirirākau Tribal Authority, Ngāti Hangarau and Ngamanawa Inc. (affiliating to Ngāti Ranginui) were amongst those groups made aware of the conference but not invited to it, and they contacted the EPA by email requesting an invitation to participate, which I granted. My understanding, confirmed by advice from the Applicant and the Regional Council at the conference, is that engagement on this application has occurred with hapū, with iwi authorities have largely deferred to their hapū for purposes of engagement on environmental matters such as those at issue in this application. This is particularly the case with Ngāti Ranginui iwi and hapū in light of their recently legislated settlement (Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025) which is hapū-centric in nature.
- [4] Pirirākau has also provided a Cultural Impact Assessment for the project, which will be provided to the panel upon commencement.
- [5] I also received a similar request to participate in the conference from the Poripori Farm A Trust, a landowner identified in the section 18 report as another Māori group with a relevant interest in the application. I declined that request, on the basis that the Trust is likely to be invited to comment in its landowner capacity, and that its interests were likely aligned with those already invited to the conference.
- [6] I should also record that the BOPRC, in a memo filed before the conference, identified three other iwi that have been involved in engagement on this application that were not identified in the section 18 report, namely Ngāti Pango, Ngāti Rangi and Ngāti Raukawa. The Applicant echoed this concern at the conference.
- [7] I have sought information from MfE on those iwi, including the reasons why they were not identified as relevant and seeking an updated section 18 report, if necessary, so that they can be considered by the Expert Panel when they prepare the invitation to comment to be issued under section 53.

Purpose of minute

[8] The purpose of this minute is to:

- a. Summarise the views expressed by conference participants on the matters of panel composition and the timeframe required for the expert panel to deliver its decision; and
- b. Confirm my decisions on those two matters.

[9] In advance of the conference, I received written memoranda from all participants other than MfE. WBOPDC advised that they were essentially taking a watching brief, given that all resource consents sought in the application were regional consents, although they would confer with BOPRC over the expert panel nomination and would render any other assistance that may be sought by the Applicant or Regional Council.

[10] In relation to expert panel composition and expertise, the participants' views were largely aligned:

- a. The Applicant proposed a 3-4 member panel with expertise in law and/or planning, aquatic ecology and te ao Māori and Māori development;
- b. The BOPRC recommended that the panel include a lawyer, experienced planner and a panel member with tikanga Māori knowledge and experience, and potentially a panel member with expertise in freshwater ecology;
- c. Pirirākau expressed very similar views to the Applicant and Regional Council but considered that it was essential that at least one panel member have a deep understanding of hapū-level governance, Treaty settlement obligations and mātauranga Māori to ensure that the

statutory and cultural context is fully understood;

- d. Ngāti Hangarau and Ngamanawa expressed no formal view on panel composition but agreed with the other participant views as to the required expertise.

[11] I also sought participant views as to complexity, the number and nature of matters that are in dispute or remain unresolved, and the likelihood that ongoing engagement will assist with resolution of those issues. These matters are all relevant to my determination of the decision timeframe.

[12] While all participants acknowledged that there has been extensive and constructive engagement with the Applicant, both before and after lodgement of the application with further meetings scheduled, there were different views as to complexity, with the mana whenua participants noting complexity in relation to cultural effects relating to the existing operation of the Power Scheme that need to be addressed. These include concern for restoration of river health, flows and mauri, the need for effective and sustainable fish passage, and a desire for active kaitiakitanga (ongoing, meaningful involvement in management, monitoring and decision making). Some of these matters are being pursued in a parallel workstream which the Applicant and mana whenua hope will be concluded with a negotiated relationship agreement.

[13] Both the Applicant and BOPRC noted that the approvals sought are renewals for an operational hydro-electric power scheme that is long-established, with operational effects that are well understood. While some changes will be made to residual flows, there will be no new consumptive water allocation and the approvals will enable the continued lawful operation of the existing activity.

[14] In relation to the specific decision timeframe, the participants expressed the following views:

- a. The Applicant proposed 60 working days following receipt of comments, assuming a 12 January 2026 start date for the Panel. It noted that engagement with mana whenua, the Regional Council and others is ongoing, and that workshops were scheduled for early December to continue to work on issues of particular interest including appropriate conditions to address matters such as fish passage, which were of particular interest to mana whenua;
- b. BOPRC expressed no view on panel commencement date or the working days that should be provided for the decision, noting only that it sought at least 15 working days to comment on draft conditions when they are released pursuant to section 70(2) (assuming approval);
- c. Pirirākau did not express a view on an appropriate decision time frame, emphasising the need for adequate time to allow iwi and hapū to review and respond to draft conditions and management plans;
- d. Ngāti Hangarau and Ngamanawa Inc. advised that they would continue to work constructively with the Applicant and sought a decision timeframe of 80 working days following receipt of comments. They noted that they did not seek a formal hearing process but strongly desired an opportunity to engage directly with the panel, and saw significant value in conferencing to assist with unresolved matters, particularly with BOPRC, to enable the Regional Council to understand and respond to issues raised by mana whenua.

[15] I record my thanks to all conference participants for their attendance and thoughtful participation.

Decisions

[16] I am appointing the following persons to the Expert Panel to determine the substantive application lodged for the Kaimai Hydroelectric Power Scheme

Reconsenting Project:

- a) Gerald Lanning (chair);
- b) Reg Proffit;
- c) Dr Martin Neale (local authority nominee).

[17] I am satisfied that, collectively, the Expert Panel will hold appropriate expertise and experience in relation to law, planning & policy, cultural context including Treaty settlement obligations, te ao Māori and Māori development, and freshwater ecology.

[18] The date on which the Expert Panel will commence work is **3 December 2025**. There was some discussion at the conference about whether it would be better for the panel to commence before or after the holiday period, and this has informed my decision on timeframe. I consider that, having regard to the procedural principles in section 10, there is no compelling reason to delay panel commencement to the New Year. While there are workshops scheduled in early December to progress discussions on outstanding matters, those can continue in parallel with the work of the Expert Panel in preparing the invitation to comment, which will be due for release on 17 December 2025.

[19] I consider that a timeframe of **70 working days** following the receipt of invited comments is appropriate. Given the automatic suspension of working days from 20 December to 10 January¹, that will allow an extended period for comments, which will be due on 4 February 2026. The Expert Panel decision will be due on **19 May 2026**, subject to the application being suspended for any of the reasons outlined in section 60 of the Act, and to comments on the application being invited on 17 December 2025.

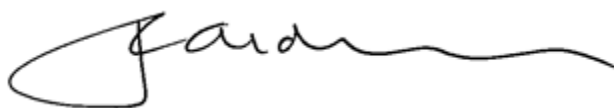
¹ FTAA, section 4(2)(a).

[20] In setting this timeframe I have had regard to the following relevant matters:

- a) While there is a comprehensive set of technical documentation filed in support of the application, the Power Scheme has been established and operating successfully for many years. The physical effects are reasonably well understood;
- b) There are some cultural effects that intersect with technical issues that need careful consideration, and the participants have made good progress towards identifying and resolving those. The earlier start date, coupled with the impact of the end of year holiday period, should provide an extended period to enable participants to continue their discussions and incorporate outcomes into comments;
- c) Conditions will be a particular focus for all participants. Mana whenua and the Regional Council have noted a desire for additional time to check and provide feedback on draft conditions. A slightly longer timeframe than that sought by the Applicant seems sensible.

[21] I commend the Applicant and participants for their constructive engagement to date, and encourage plans to continue that process with a view to providing the greatest possible assistance to the Expert Panel in undertaking their task.

[22] In terms of next steps, the participants will be contacted by the Expert Panel upon commencement.

A handwritten signature in black ink, appearing to read 'J Caldwell', with a long, horizontal, wavy line extending to the right.

Jennifer Caldwell

Associate Panel Convener for the purpose of the Fast-track Approvals Act 2024