
MINUTE 3 OF THE PANEL CONVENER
Local authority cost arrangements

Delmore [FTAA-2512-1164]

4 March 2026

[1] I held a conference for this application on 3 March 2026. The conference was attended by representatives of the Applicant (Vineway Ltd), Auckland Council and Heritage NZ, all of whom filed brief memoranda addressing the matters identified in Minute 1.

[2] In due course I will release a further minute recording my decisions in respect of expert panel appointments and the time allocation for the decision to be made.

[3] Before doing so, however, I am seeking clarification from the Applicant and Auckland Council as to any cost recovery arrangements that may be in place that would enable Council's experts to commence their assessment of the application material and conditions in advance of the Council's receipt of the invitation to comment that will be issued by the Expert Panel once it has commenced work.

[4] The Applicant advised at the conference that it sought allocation of 45 working days in addition to the 30-working day period prescribed by the FTAA that expires with the receipt of invited comments. The key reasons offered to support this period can be summarised as follows:

- (a) The Applicant has made substantial changes to the documentation since the withdrawal of its first application, to address issues identified by the first Expert Panel and to fill a number of information gaps. The updated documentation should allow for easier panel review;

- (b) The additional working day period is essentially for reconciling views, but in light of extensive engagement undertaken with the Council, many issues have been narrowed or resolved. The remaining points of contention are expected to be limited and clear;
- (c) Since withdrawal of the first application a number of expert panels have now released decisions that should provide guidance to the panel on how to address some aspects of the application;
- (d) Recent amendments to the FTAA will also provide some assistance to the panel.

[5] When I enquired as to the current status of the proposed conditions, and the extent to which those were likely to be agreed (or not) as between the Applicant and the Council, the Applicant advised that, while it has revised the originally proposed conditions in line with amendments made to the application, they have not yet been the subject of review by or discussion with Council experts. The Applicant would be happy for that review to commence now, ahead of panel appointment and the issue of an invitation to comment, which is traditionally the point at which the Council would commence its review due to cost recovery concerns.

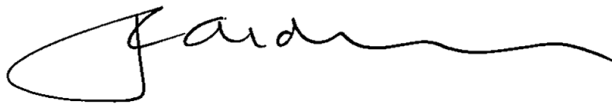
[6] I advised the conference participants that the Council's ability to commence work in advance of the invitation to comment would likely have a bearing on the decision timeframe and encouraged the Applicant to reach its own agreement with the Council on cost recovery that might allow that early work to occur.

[7] The Council did not support the working day period proposed by the Applicant and considered that 50-55 additional working days would be better, even if work could commence early. It indicated that it was willing to discuss cost recovery arrangements with the Applicant.

[8] Conditions can present expert panels with tricky issues in a time constrained process. They often require greater work, at a detailed level, than applicants expect

or make appropriate provision for when considering decision timeframes. Before fixing the number of working days for this application, I invite the Applicant and Auckland Council to confer on cost recovery arrangements as between themselves, and to advise me whether any such arrangement could enable the Council's expert team to commence work on reviewing and assessing the application and conditions, on the basis that, once the invitation to comment is issued, the Council can start recovering its actual and reasonable costs directly from the EPA.

[9] I therefore direct the Applicant and Auckland Council to confirm to me by 5pm Monday 9 March 2026, whether such cost recovery arrangements will be put in place, and if so, their revised views as to the additional number of working days that should be allocated for the Expert Panel to make its decision.

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

Jennifer Caldwell

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