
MINUTE OF THE PANEL CONVENER
Post-conference directions to conference participants
FTAA - 2506 - 1071

(13 August 2025)

[1] A conference was held on 13 August 2025 for the purpose of informing my decisions on:

(a) the appointment of panel members;¹

(b) the timing of the panel decision.²

[2] A list of persons attending at the conference is attached and labelled “Schedule 1”.

[3] I am indebted to the memoranda filed by the participants. I found the layout of issues identified by the Otago Regional Council to be very helpful. That said, the memoranda filed by all the statutory participants evidenced a great deal of consideration having been given to this project.

Appointment of panel members

[4] Four experts will be appointed to the panel.

[5] The participants are broadly in agreement on the skills, knowledge and experience required of persons to be appointed. I will invite the local authorities to nominate persons for appointment and confirm that I am looking for someone

¹ FTAA, schedule 3

² FTAA, section 79

with planning expertise.

[6] Kā Rūnaka propose that one member of the panel possess expertise in Ngāi Tahu tikanga, given the significance of Whakatipu-wai-Māori and the wider Kawarau area to them. I agree and will take steps to identify a suitable appointment.

The timing of the panel decision

[7] The time to release a decision -

- (a) is set by the panel convener.
- (b) if no time frame is set, then the decision must be released within 30 working days after the date that comments are received.

[8] Under s 79 (2)(b) A time frame set by the panel convener **must**—...

- (a)...
- (b) be a time frame that the panel convener considers is **appropriate**, having regard to the **scale, nature, and complexity** of the approvals sought in, and **any other matters raised by**, the substantive application;
- (c)...
- (d)...

[9] A wide range of issues across several topic areas were identified by the participants. Participants are to confirm that these are the principal issues that arise in relation to the application within two weeks. Kā Rūnaka is to identify the issues that arise from the list of topics³ of interest to them. As noted, the panel will form its own views on the issues and will do so having regard to comments from all persons invited to comment (ss 52(2) & (3)). For my function, the issues are an important indicator of scale and complexity of a project and therefore the

³ Chapman Tripp memorandum dated 11 August 2025 at [29].

timeframe that is appropriate.

[10] It is my expectation that the participants will engage in earnest to narrow or resolve their issues before comments are filed. No participant raised any legal impediment to the applicant amending its application in response to those discussions, circulating amended or additional reports or peer review, or having these reports uploaded to the EPA website. However, from the standpoint of the panel, participants will need to carefully consider how this process is managed (timing) and communicated.⁴

[11] I will direct that the statutory participants confer and agree on a timetable for pre-s 53 (pre-commentary) processes such as discussion, negotiation, or expert conferencing. Consider the outputs of those processes and provide a realistic timeframe for further information to be lodged with the EPA.

[12] For QLDC, the principal issues in contention are:

- (a) the alignment with the Te Tapuae Southern Corridor – draft infrastructure plan; and
- (b) three waters infrastructure.

[13] I note QLDC's advice that it will not commenting on issues that arise in relation to natural hazards, transport, subdivision design and staging and ecology. QLDC may need to do so to inform its position on conditions which it will administer if the approvals are granted. The timeframe may need to accommodate the appointment of technical advisor/s if the panel decides that it needs further assistance which is not otherwise provided.

[14] ORC have offered to provide QLDC with a copy of its peer review of the wastewater proposal. The applicant invites QLDC to identify any additional areas,

⁴ By 'commencement' I mean the period prior to the period under section 53 that the panel must direct the EPA to invite comments on the substantive application.

not covered in the ORC peer review, that it seeks further information on. The ORC peer review is anticipated by the end of this week. While not discussed, I noted that the applicant's the natural hazards report has been peer reviewed.⁵ The applicant should provide QLDC with a copy (if it has not already done so). QLDC is to advise the applicant of any areas not covered in the peer review for which it seeks further information.

Cost-recovery

[15] QLDC may seek cost-recovery through the EPA. The EPA is to respond to the matters raised in QLDC's memoranda dated 11 and 13 August 2025. The applicant confirms that it has a post-lodgement agreement with QLDC in relation costs. If QLDC resolves not to engage experts prior to being invited to make a comment, it is unlikely that the Council's comments will be properly informed by expert opinion.⁶ QLDC will tell me if that is its resolution, so that the timeframe allows for the panel to request further reports or information from the Council under s 67. I would be surprised if this was QLDC's eventual position given their agreement with the applicant on costs.

Conditions

[16] The draft conditions are not agreed. My experience is that drafting conditions is a complex and continuing body of work as the application/appeal progresses. It is the expectation of all participants, statutory and legally represented, that when commenting on conditions tracked-change amendments will be provided the panel (where sought).

[17] The participants are to report on processes that the panel may direct to resolve differences of opinion on the draft conditions. This includes

⁵ Applicant memorandum dated 8 August 2025 at p3.

⁶ Memorandum dated 13 August 2025 at [2.6].

workshopping and expert conferencing.

Directions

[18] I direct:

- (a) By **20 August 2025** -
 - (i) the EPA is to respond to matters raised in the QLDC memoranda dated 11 and 13 August 2025. If the EPA has clarifying questions, it is to approach QLDC directly;
 - (ii) the statutory participants will confirm the issues that arise in relation to the application.
- (b) By **27 August 2025** -
 - (i) QLDC to identify any areas not addressed in peer reviews provided by the applicant or ORC;
 - (ii) QLDC will advise of its resolution whether to seek expert opinion prior to or upon the invitation by the panel to comment pursuant to s 53;
 - (iii) if QLDC resolves to engage expert opinion following the invitation to comment, it will say whether the timeframe should allow for its expert's reports to be provided to the panel pursuant to 67.
- (c) By **27 August 2025** –
 - (i) the applicant, having conferred with the statutory participants, will advise on the timing and sequencing of steps to narrow or resolve the issues -
 - (1) prior to filing comments under s 53⁷ and following comments being filed;
 - (2) in relation to draft conditions,⁸ any processes, if required,

⁷ See [11].

⁸ See [17] above, noting also the resolve of the applicant and the Director-General to work on an agreed set of conditions and draft management plan to be filed together with the s 51 report.

to assist the panel (eg workshopping, expert conferencing).

- (ii) when responding, the applicant is to allow for issues arising from other persons consulted (but not invited to this conference).

[19] A decision to appoint the panel will follow shortly thereafter.

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

| Organisation Name Role | Participant Name |
|--|------------------|
| Independent Panel Convener | Jane Borthwick |
| EPA Application Lead | Melita Raravula |
| Department of Conservation Fast-track Project Lead | Amelia Wilkinson |
| Department of Conservation Senior Legal Advisor | Wiremu Rikihana |
| QLDC Planner | Sarah Scott |
| Ministry for the Environment Senior Analyst | Michelle Flay |
| ORC Principal Consent Planner | Shay McDonald |
| ORC Team Leader Consents | Jenny Ross |
| ORC Consent Planner | Martina Courtier |
| Applicant RCL Project Lead | Dan Wells |
| Applicant RCL CEO | David Wightman |
| Applicant RCL Project Planner | Amanda Leith |
| Applicant RCL Legal Counsel | Mark Holm |
| QLDC | Neil Harkin |
| Kā Rūnaka (Papatipu Rūnaka) Legal Counsel | Ben Williams |
| QLDC | Fiona Blight |
| QLDC Planning and Development Manager | David Wallace |

Copy conference correspondence to:

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| Te Rūnanga O Ngāi Tahu Planner | Lisa Mackenzie | |
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