
MINUTE OF THE PANEL CONVENER

Panel appointments and decision time frame
RCL Homestead Bay [FTAA-2506-1071]

(29 August 2025)

[1] The purpose of this Minute is to confirm:

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

Appointment of panel members

[2] 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. Jayne MacDonald (chair)
- b. Dr Jane Kitson
- c. Alan Pattle
- d. Rosalind Day-Cleavin (local authority nominee)

[3] I have considered the skill set and experience required for the Panel. I have satisfied myself that the panel collectively understands te ao Māori and Māori development (clause 7 of Schedule 3). Dr Jane Kitson's appointment responds to Kā Rūnaka's request that a panel member has expertise in Ngāi Tahu tikanga.

[4] The panel members have satisfied me that they have no conflict of interests.

Number of panel members

[5] In deciding the number of members to constitute the Panel, I have

considered whether it is desirable to increase the number of members of the panel, taking into consideration the circumstances set out in clause 3(7) of Schedule 3. Having canvassed the matter with participants at the Convener's Conference I consider that there are not circumstances warranting the appointment of more than 4 persons.

[6] In making these appointments, I consider the panel will collectively have the skills and experience required under clause 7 of Schedule 3.

Daily rate

[7] As outlined in clause 8 of Schedule 3 of the Act, panel members are entitled to receive remuneration at a rate and of a kind determined by the Minister for Infrastructure in accordance with the Cabinet fees framework. The Minister has set the daily rates of non-judge panel members as \$1600 - \$5000 excluding GST.

Timeframe for a decision

[8] In accordance with s 79 (1)(a), a timeframe is set by the panel convener in accordance with ss (2). Sub-section (2)(b) states that the time frame is what the panel convener considers appropriate having regard to the 'scale, nature, and complexity of the approvals sought in, and any other matters raised by, the substantive application'. As I am setting a timeframe, the default timeframe under s 70(b) does not apply.

[9] The applicant originally estimated 40 working days¹ was required from commencement to the release of a decision. This estimate has been revised upwards to 45 working days.² From this time would be deducted for certain statutory processes:

¹ From the date of commencement i.e. from 15 September 2025.

² RCL Homestead Bay Ltd memorandum dated 27 August 2025.

- (a) 5 working days for the applicant to reply to comments received from participants;
- (b) 5 working days for the applicant to reply to participant comments on conditions; and
- (c) 10 working days any Ministerial comment on the draft decision (including conditions).

[10] No time component was identified that would enable the panel to ensure that the process overall is fair: such as – for example - an opportunity for the applicant to respond to the Ministers’ comments (if adverse). The position in relation to other persons consulted but not present that the conference was not explained by the applicant.³

[11] What is clear, however, is that since the conference the applicants and statutory participants have engaged, and the applicant is committed to this continuing. Kā Rūnaka excepted, the Director-General and local authorities are agreed on a process to narrow or resolve their issues ahead of comments being filed. However, no process has been agreed with Kā Rūnaka and the applicant will be appraised of the issues⁴ that arise for Kā Rūnaka when they file their comments. As requested, I have taken all of this into consideration.

Timeframe for a decision

[12] Clause 2 of section 79 of the Act outlines that the time in which a panel must issue its decision can be set by the Panel Convenor before the application is provided to the panel to consider. Given the number and complexity of the issues outstanding, including conditions, between the statutory participants, a longer

³ Minute dated 13 August 2025 at [18 (c)(ii)].

⁴ Kā Rūnaka was asked to identify the issues that arise in relation to a list of topics of interest to them. Its memorandum dated 22 August 2025, Kā Rūnaka does not respond the way directed. I consider, for example, cultural landscape at [3.1] a ‘topic’. What is relation to the cultural landscape is in ‘issue’?

timeframe than what was proposed by the applicant is appropriate.

[13] Based on my skills, knowledge and expertise 15 working days is insufficient time for a panel to:

- (a) read and evaluate this application of this scale, nature and complexity and any comments received;
- (b) direct and hold expert conferencing and workshopping (if required);⁵
- (c) draft a decision and conditions;
- (d) finalise the decision having considered responses filed pursuant to ss 70 and 72.

[14] Having considered feedback received during the Convenor's Conference and the subsequent memoranda filed the statutory participants, and secondly having regard to the scale, nature and complexity of this application, and taking into account the intervening Christmas period where availability of report writers over January is uncertain, the decision time frame is **65** working days from panel commencement.

[15] The panel commencement date, for the purpose of section 53 of the Act, is **15 September 2025**. The panel will invite comments by **29 September 2025**, and comments will be due by **28 October 2025**, with applicant response to follow. 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 **18 February 2026**.


Jane Borthwick

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

⁵ RCL Homestead Bay Ltd allows time for these events.