
MINUTE 2 OF THE EXPERT PANEL

Invitations to comment

Auckland Surf Park Community Stage 2 [FTAA-2606-1246]

18 September 2026

[1] This minute addresses invitations to comment on the application under section 53 of the Fast-track Approvals Act 2024 (the Act).

[2] The Expert Panel (Panel) records that it undertook a site visit on 1 September 2026. The Panel confirms that it undertook its site visit prior to finalising the invitations to comment on this application.

[3] In accordance with section 53(2) of the Act, the Expert Panel must invite comments from persons listed in sections 53(2) (a) to (n) of the Act. Sections 53(2)(d) to (g) and section 53(2)(l) do not apply to this application. The Panel considers the persons identified in Appendix 1 must be invited for comment.

[4] Section 53(2)(h) and (i) state that the owners and occupiers of the land adjacent to the land the application relates to must be invited to comment.

[5] After considering the information from the Applicant and the advice from the EPA, and having now reviewed the application material, the Panel has determined that the owners and occupiers of land shaded orange on the Maps in Appendix 2 and listed in Appendix 3 should be invited to comment.

[6] The Panel has considered section 53(3) and determined that it is appropriate to invite comments from the following parties:

- (a) Other parties whom the applicant has had letters of support for their application.

- (b) Other parties that provided comments on the Stage 1 application, not otherwise invited.

[7] Section 54(1) of the Act requires that the Panel must specify in the invitation a date for when comments must be received by the EPA on behalf of the Panel (which must be 20 working days after the date on which the invitation is given under section 53).

[8] The date invitations to comments will be given will be 18 September 2026. Comments must be made to the EPA:

- (a) by email to substantive@fasttrack.govt.nz;
- (b) by post to Private Bag 63002, Wellington 6140, New Zealand; or
- (c) in person to Stewart Dawson's Corner, 366 Lambton Quay, Wellington 6011

[9] Comments must be received by 16 October 2026.

[10] The application may be accessed on the Fast-track website here: [Third substantive application](#)

[11] The Fast-track website will be updated as information is made available to the Panel.

[12] Following an initial review of the substantive application materials, the Panel has identified several matters requiring further clarification to assist in its assessment.

[13] The Panel requests that the Applicant and Auckland Council respond to the specific questions set out below.

[14] Responses are requested by **16 October 2026 by 4pm** via the EPA Fasttrack Portal.

[15] For the Applicant and Auckland Council;

- (a) Do the parties consider that the regional or national benefits referred to in sections 81 and 85 is a net amount, noting section 22(6) of the FTAA?
- (b) Section 81(5) states that the Panel may consider the regional or national benefits of the whole Project, having regard to the likelihood that any later stages of the Project will be completed? Does this section allow the Panel to consider the regional or national benefits of those stages of the Project that have already received consent?
- (c) What definition of ‘regional’ should the Panel employ in terms of sections 81 and 85 of the FTAA?
- (d) Can the parties comment on the way the approach in *Auckland Council v Matvin Group Limited* [2023] NZHC 4281 to the interpretation of the FUZ provisions, and planning provisions more generally, might have been altered by later decisions of the Supreme Court in *Royal Forest and Bird Protection Society of NZ Inc v Waka Kotahi NZTA* [2023] NZSC 26 and the Court of Appeal in *Glenpanel Development Ltd v Expert Consenting Panel* [2025] NZCA 154?
- (e) Do the parties consider that the Project constitutes an ‘on-the-merits-exception’ with reference to the above cases?
- (f) The Panel is aware that the Government intends to amend the law to provide different pathways for infrastructure-related costs to be recovered from FTAA consents. When this is enacted, please provide an assessment of the extent of those powers, the extent that they apply to the Project, what (if any) infrastructure would qualify for such a mechanism, and what condition(s) of consent or other measures would be appropriate to enable these to be collected by the Council in the event that consent was granted.

[16] For the Applicant:

- (a) Is there a net economic benefit figure provided in the Applicant's economic assessment, and if not, can this figure please be provided?
- (b) Does the economic analysis take into account the unfunded infrastructure costs (if any) of the Project that might be borne by Auckland Council?

[17] For Auckland Council:

- (a) The Applicant's position for Stage 1 was premised on the Project being neither urban nor rural in terms of the FUZ provisions in the AUP. The AEE for Stage 2 states that the Project is not rural but that it is not inconsistent with the FUZ provisions (see p.138). What is Auckland Council's position in terms of whether or not the Project is inconsistent with or contrary to the FUZ provisions?
- (b) Can Auckland Council advise whether or not it has concerns with the Project's private water, wastewater and stormwater servicing, including any risk for Auckland Council should that private servicing fail?
- (c) Does Auckland Council consider this private infrastructure adequate to support the Project?
- (d) Are there any unfunded infrastructure costs of the Project that might be borne by Auckland Council? If so, what are those costs?
- (e) Can Auckland Council advise whether or not it agrees with the Applicant's economic analysis that Stage 2 of the Project generates regionally significant benefits?



Claire Kirman

Auckland Surf Park Expert Panel Chair

Appendix 1

Parties invited to Comment under section 53(2) of the Act

Section of Act	Description from Act	Party identified
53(2)(a)	the relevant local authorities	• Auckland Council
53(2)(b)	the relevant iwi authorities	• Te Kāwerau Iwi Settlement Trust, representing Te Kāwerau ā Maki¹ • Hako Tupuna Trust, representing Hako • Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua • Ngāti Maru Rūnanga Trust, representing Ngāti Maru • Ngāti Paoa Iwi Trust, representing Ngāti Paoa • Ngāi Tai ki Tamaki Trust, representing Ngāi Tai ki Tamaki • Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā • Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga • Ngāti Manuhiri Settlement Trust, representing Ngāti Manuhiri • Te Ākitai Waka Taua Inc, representing Te Ākitai Waiohua • Ngā Maunga Whakahii o Kaipara Development Trust, representing Ngāti Whātua o Kaipara • Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata
53(2)(c)	any relevant Treaty settlement entities, including, to avoid doubt,— (i) an entity that has an	• Ngāti Manuhiri Settlement Trust, PSGE for Ngāti Manuhiri Claims Settlement Act 2012 • Ngā Maunga Whakahii o Kaipara Development Trust, PSGE for Ngāti

	interest under a Treaty settlement within the area to which the substantive application relates; and (ii) an entity operating in a collective arrangement, provided for under a Treaty settlement, that relates to that area	Whātua o Kaipara Claims Settlement Act 2013 • Tūpuna Taonga o Tāmaki Makaurau Trust / Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership, PSGEs for the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 • Te Kawerau Iwi Settlement Trust, PSGE for Te Kawerau ā Maki Claims Settlement Act 2015 • Ngāi Tai ki Tāmaki Trust, PSGE for Ngāi Tai ki Tāmaki Claims Settlement Act 2018 • Ngāti Tamaterā Treaty Settlement Trust, PSGE representing Ngāti Tamaterā • Ngāti Paoa Iwi Trust, PSGE representing Ngāti Paoa • Ngaati Whanaunga Ruunanga Trust, PSGE representing Ngaati Whanaunga • Te Ākitai Waiohua Settlement Trust, PSGE representing Te Ākitai Waiohua • Ngāti Maru Rūnanga Trust, PSGE representing Ngāti Maru • Taonga o Marutūāhu Trustee Limited / Marutūāhu Rōpū Limited Partnership, PSGE representing Marutūāhu Iwi Collective
53(2)(d)	any protected customary rights groups and customary marine title groups whose protected customary rights area or customary marine title is within the area to which the substantive application relates	• N/A
53(2)(e)	any applicant group under the Marine and Coastal Area (Takutai Moana) Act 2011 that is identified in the	• N/A

	report prepared under section 18 or 49 and seeks recognition of customary marine title or protected customary rights within the area to which the substantive application relates	
53(2)(f)	ngā hapū o Ngāti Porou if the area to which the substantive application relates is within or adjacent to, or the activities to which it relates would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou	• N/A
53(2)(g)	the tangata whenua of any area within the area to which the substantive application relates that is a taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996	• N/A
53(2)(h)	owners of the land to which the substantive application relates (Owners of land adjacent to that land are covered in Table 2 as the panel must exercise judgement on what is considered adjacent)	See Appendix 2 for land to which the substantive application relates. List of all owners set out in Appendix 3.
53(2)(i)	occupiers of the land to which the substantive application relates unless, after reasonable inquiry, an occupier cannot be identified (Occupiers of land adjacent to that land unless, after	See Appendix 2 for land to which the substantive application relates. List of all occupiers set out in Appendix 3.

	reasonable inquiry, an occupier cannot be identified are covered in Table 2 as the panel must exercise judgement on what is considered adjacent)	
53(2)(j)	The Minister for the Environment and other relevant portfolio Ministers	• Minister for the Environment • Minister for Housing • Minister for Tourism and Hospitality • Minister for Sport and Recreation • Minister for Infrastructure • Minister of Energy • Minister for Arts, Culture and Heritage • Minister of Māori Development • Minister for Māori Crown Relations – Te Arawhiti
53(2)(k)	relevant administering agencies	• N/A
53(2)(l)	any requiring authority that has a designation on land to which the substantive application relates or on land adjacent to that land	• New Zealand Transport Agency
53(2)(m)	if the approvals sought in the substantive application include— (i) an approval described in section 42(4)(a) or (d) (resource consent or designation), the persons and groups listed in clause 13 of Schedule 5:	• Director-General of Conservation • No mana whakahono a rohe or JMA applicable.
53(2)(n)	any persons or groups specified by the Minister	• Auckland Transport

under section 27(3)(b)(iii).

- New Zealand Transport Agency
- Minister for Regional Development
- Minister for Economic Growth

Appendix 2

Map of adjacent land – 53(2)(h) and (i) and 53(3)



Appendix 3

Owners and occupiers of the properties to which the substantive application relates and the land adjacent to that land

Owners and occupiers of the land to which the substantive application relates (green)

- 89 Lascelles Drive, Dairy Flat
- 237 Postman Road, Dairy Flat
- 105 Lascelles Drive, Dairy Flat
- 253 Postman Road, Dairy Flat
- 1320 Dairy Flat Highway, Dairy Flat
- 1350 Dairy Flat Highway, Dairy Flat
- 237 Postman Road, Dairy Flat
- 253 Postman Road, Dairy Flat
- 1320 Dairy Flat Highway, Dairy Flat
- 1350 Dairy Flat Highway, Dairy Flat

Owners of the adjacent land (orange and purple)

Land that has a common boundary with the land to which the substantive application relates and is considered adjacent (shown orange):

- 1318 Dairy Flat Highway
- 57 Lascelles Drive
- 1314 Dairy Flat Highway
- 1338 Dairy Flat Highway
- 1414 Dairy Flat Highway
- 1440 Dairy Flat Highway
- 315 Postman Road
- Lascelles Drive, Lot 4 DP 143131
- 293 Postman Road
- 231 Postman Road
- 38 Lascelles Drive
- 1428 Dairy Flat Highway
- 1412 Dairy Flat Highway
- 1432 Dairy Flat Highway
- 1326 Dairy Flat Highway
- 65 Lascelles Drive
- Postman Road, Lot 2 DP 204440
- 1436 Dairy Flat Highway
- 1368 Dairy Flat Highway
- 98A Wilks Road
- 1416 Dairy Flat Highway
- 295 Postman Road
- 1444 Dairy Flat Highway
- 207 Postman Road
- 313 Postman Road
- 263 Postman Road
- 43 Lascelles Drive

Land that does not have a common boundary but is close enough to form part of the context of the application site and could be considered adjacent (shown purple):

- 244 Postman Road
- 300 Postman Road
- 1355 Dairy Flat Highway
- 1397 Dairy Flat Highway
- 273 Postman Road
- 1327 Dairy Flat Highway
- 1351 Dairy Flat Highway
- 1349 Dairy Flat Highway
- 1310 Dairy Flat Highway
- 1373 Dairy Flat Highway
- 240 Postman Road
- 195 Postman Road
- 39 Lascelles Drive
- 1361 Dairy Flat Highway
- 238 Postman Road
- 1321 Dairy Flat Highway

Occupiers of the adjacent land (orange and purple)

Land that has a common boundary with the land to which the substantive application relates and is considered adjacent (shown orange):

- 1318 Dairy Flat Highway
- 57 Lascelles Drive
- 1440 Dairy Flat Highway
- 315 Postman Road
- Lascelles Drive
- 293 Postman Road
- 231 Postman Road
- 38 Lascelles Drive
- 1412 Dairy Flat Highway
- Postman Road
- 1436 Dairy Flat Highway
- 1368 Dairy Flat Highway
- 1416 Dairy Flat Highway
- 263 Postman Road
- 43 Lascelles Drive

Land that does not have a common boundary but is close enough to form part of the context of the application site and could be considered adjacent (shown purple):

- 244 Postman Road
- 1355 Dairy Flat Highway
- 1397 Dairy Flat Highway
- 273 Postman Road
- 1349 Dairy Flat Highway
- 1310 Dairy Flat Highway
- 1373 Dairy Flat Highway
- 240 Postman Road
- 39 Lascelles Drive

Appendix Four – Those persons invited to comment under section 53(3)

The expert panel invites the following parties to comment under section 53 of the FTAA.

Other parties that provided comments on the Stage 1 application, not otherwise invited.

- Lindsay Howitt
- Watercare

Other parties whom the applicant has had letters of support for their application

- Tātaki Auckland Limited
- Spark
- Surfing New Zealand
- Surf Life Saving New Zealand
- Water Safety New Zealand