

BEFORE THE PANEL CONVENER

IN THE MATTER

of an application for approvals ("Application")
under s42 of the Fast-track Approvals Act 2024
("FTAA")

AND

IN THE MATTER

of the construction and operation of a structural
steel manufacturing plant by Green Steel, being a
project listed in Schedule 2 to the FTAA ("Project")

**MEMORANDUM OF COUNSEL FOR THE APPLICANT RESPONDING TO
MINUTE 6 OF THE PANEL CONVENER OF 26 SEPTEMBER 2025**

29 SEPTEMBER 2025

G K Chappell
Barrister

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MAY IT PLEASE THE PANEL CONVENER:

1. This memorandum is filed on behalf of National Green Steel Limited (“Green Steel”), in response to the Panel Convener’s Minute 6 of 26 September 2025 inviting parties to respond to the memorandum of Te Whakakitenga o Waikato dated 24 September 2025.
2. Green Steel understands that the concern raised by Te Whakakitenga o Waikato relates to s28 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (“River Settlement Act”), which requires equal representation on a hearings panel from the Waikato Regional Council (“WRC”) and Waikato River Authority (“WRA”), with the chair appointed jointly to ensure balance. Compliance with s28 necessitates an uneven number of appointees (i.e., 3, 5, 7, etc).
3. The proposed appointment of four panel members has given rise to a perception that the balance of representation is weighted in favour of Crown-related entities (namely WDC, WRC, and the Panel) in a manner that is not consistent with the co-management arrangements under the River Settlement Act.
4. Green Steel acknowledges that its application is the first in the Waikato Region under the FTAA to engage with the make-up of the panel composition requirements under the River Settlement Act. It is therefore important to ensure that the process is procedurally sound.
5. Green Steel submits that the Panel Convener has two options available to resolve the representational imbalance:
 - a. Remove one panel member; or
 - b. Appoint an additional member.
6. Schedule 3 of the FTAA provides scope to appoint more than four members where required, including to accommodate matters arising under relevant iwi participation legislation.
7. However, the Panel Convener, in exercising functions under the FTAA, is also required to take all practicable steps to ensure that processes are,

inter alia, efficient, cost-effective, and proportionate to the functions being performed.¹

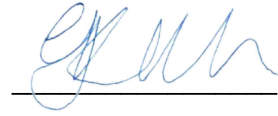
8. Green Steel submits that the nature of the application supports the appointment of a three-person panel as has been the case for majority of the applications under the FTAA to which panels have been appointed. Such a composition would appropriately give effect to the River Settlement Act and the provisions of the FTAA under the following arrangement:
 - a. One member nominated jointly by the WRA and the Panel Convener² (Matthew Casey KC);
 - b. One member nominated by the WRA (Tim Manukau);
 - c. One member nominated jointly by Waikato Regional Council and Waikato District Council (Cherie Lane).³
9. It submits that a separate panel appointee is not required to give effect to the procedural arrangements under the River Settlement Act. The critical consideration is that the representational balance prescribed by the legislation is maintained.
10. For the avoidance of doubt, if the other parties consider that the only practicable resolution is to proceed with the existing four panel members plus an additional appointee, Green Steel will not oppose that arrangement, recognising the importance of avoiding delay to the panel's appointment and the timely progression of its application.
11. Nonetheless, Green Steel maintains its preference for a more streamlined panel composition and respectfully urges the Panel to remain mindful of the need for procedural efficiency throughout its deliberations

¹ Section 10 FTAA.

² Acting as if they were the relevant decision maker – ie WRC as local authority.

³ Although Green Steel acknowledges that it suggested that the appointment of an engineer might be of assistance to the panel, such advice may be independently obtained by the panel, as required.

DATED this 29th day of September 2025



G K Chappell

Counsel for National Green Steel Limited