
MINUTE 7 OF THE EXPERT PANEL

Directions following expert conferencing, indicative timing of draft decision, and preliminary indication on certain outstanding issues

Takitimu North Link – Stage 2

[FTAA-2507-1085]

27 January 2026

[1] This minute records the Panel’s directions following expert conferencing, provides an indication of the timing of its draft decision and conditions, and an indication of its preliminary thinking on certain outstanding issues.

Expert conferencing

[2] Expert conferencing occurred on 20 January (ecology) and 21 January (conditions workshop). The Panel has received and reviewed Joint Witnesses Statements (**JWS**) for both conferences.

[3] The Panel has also reviewed the memorandum of counsel on behalf of the Applicant dated 23 January 2026 (**Memorandum**), which provides an update following the two expert conferences and sets out (at the Panel’s request) the Applicant’s proposed timeframe for next steps in the lead up the Panel’s decision, which is due on **Monday 11 March**.

[4] The Memorandum proposes the following steps to be undertaken:

[a] Applicant to circulate proposed amendments to the consent

conditions early this week to the parties involved in conferencing, to address matters arising from the ecological conference which the applicant committed to consider further (specifically the SMMP¹ condition, and conditions relating to wetlands, planting and lizard habitat).

[b] Other parties to respond to those amendments by 3 February.

[c] Applicant to meet with BOPRC to discuss structure of conditions and substantive matters on 27 and 29 January respectively.

[d] Applicant to circulate closing legal submissions setting out the matters agreed with the other parties and the matters that remain areas of disagreement, together with an updated set of conditions addressing matters that have arisen from conferencing, the conditions workshop and from the other parties' comments, on 9 February.

[4] The Panel is grateful to the Applicant for giving thought to next steps, and for its indication in the Memorandum that it is open to considering whether a brief suspension of the Application is appropriate to provide more time for the parties to discuss conditions. The Panel has taken these suggestions into account in making the following directions.

Directions

[5] The Applicant is to circulate a revised set of conditions as proposed above to the parties who participated in expert conferencing and to the Panel's technical advisor Graham Ussher as soon as possible, to enable those parties to engage in further discussions with a view to resolving as many issues as possible, including

¹ Stream Management and Monitoring Plan

condition wording, prior to the Applicant submitting its final proposed conditions and closing submissions.

[6] The Applicant is required to submit its final set of proposed conditions and closing submissions no later than **5 p.m. on Thursday 5 February** (observing that 6 February is Waitangi Day). The Panel is meeting with its expert advisers on Monday 9 February and therefore requires these documents to be submitted in sufficient time prior to that meeting to enable them to be reviewed. The Applicant should advise the Panel by **midday on Wednesday 4 February** if it is unable to meet this deadline and if so whether it is willing to request a brief suspension of the Application to allow the Panel to consider and take advice on the final conditions and closing submissions.

[7] The process outlined at paragraph [5] above, involving circulation of updated conditions by the Applicant and further discussions between the parties, will continue to be subject to the confidential and without prejudice privilege attached to the expert conferencing process. The Panel will only have access to and the ability to have regard to any documents formally submitted by any party to the Panel in accordance with either a direction of the Panel, or a requirement under the Fast-track Approvals Act 2024 (**Act**) such as the parties' right to make comments on the Panel's draft decision and the Applicant's right to reply to those comments.

[8] Any party is entitled to seek further clarification or directions from the Panel in relation to the above process by contacting the EPA Application Lead, and if necessary the Panel will convene a telephone conference of the parties to ensure that its processes are timely, efficient and cost-effective, consistent with the procedural principles in the Act.

Timing of draft decision

[9] The Panel can indicate that, subject to any suspension requests, it intends to provide a copy of its draft decision and conditions for comments on **Monday 16 February**.

Preliminary indication of Panel's thinking on outstanding issues

[10] Following its review of the two JWS, the Panel considers it helpful to provide a preliminary indication of its thinking on several issues to inform the further discussions to be carried out between the parties and the Applicant's final proposed conditions and closing submissions. The Panel has not made any firm findings on these matters, but wishes to provide an opportunity for the Applicant to address them before the Panel issues its draft decision and conditions.

[11] Ecological management plans: Given the restrictive timeframe in which the Panel must issue its draft and final decisions under the Act (Monday 16 February and Monday 11 March respectively) and the Panel's inability to suspend processing of the Application under the Act without a request from the Applicant, the Panel does not consider it feasible to require the Applicant to produce draft management plans for the Panel to approve prior to the Panel's decisions falling due. The Panel observes that the conference participants were broadly in agreement that an alternative approach of providing clear and robust conditions setting out the objectives sought to be achieved by the management plans and the specific parameters and information to be included in the management plans, for certification by the relevant authority, could be an acceptable approach in the circumstances. The Panel understands this will be the subject of further discussions between the parties and will be addressed in the final set of conditions submitted by the Applicant. The Panel encourages the Applicant to work with the other parties to seek to reach

agreement on appropriate condition wording.

[12] Issues raised by Ngāti Taka and Pirirākau: The Panel understands from the Memorandum that the Applicant proposes to undertake further engagement with the hapū representatives in relation to aspects of the ecological conditions. The Panel anticipates that the Applicant will address, either through updated (preferably agreed) conditions and / or through its closing submissions, the specific matters raised by Ngāti Taka and Pirirākau either in the JWS or in their comments on the Application, including the following:

- the status of the Ngāti Taka Relationship Agreement
- a response to the draft additions / amended conditions set out in Appendix 1 to Ngāti Taka's comments on the Application and the matters raised at paragraphs 12 to 19 of Pirirākau's comments on the Application
- a response to the specific matters raised by hapū in the JWS (to the extent not addressed in responding to the above).

[13] Formatting of conditions: The Panel has reviewed the comments provided by Bay of Plenty Regional Council dated 16 January 2026 in the document attached to and forming part of the JWS (conditions workshop), relating to the "structure of conditions". The Panel understands from the Memorandum that the Applicant is preparing a restructured version of the proposed regional consent conditions to better align with BOPRC's proposed condition structure and will be meeting with BOPRC to discuss this further. The Panel considers this approach to be helpful and indicates that it wishes to focus its attention on making substantive decisions on any outstanding legal and factual matters, rather than on matters of structure and formatting. If agreement on a revised structure is not reached between the parties, the Panel will be reluctantly required to resolve that issue and will likely issue further directions with a view to avoiding the need to engage a conditions writer to

undertake that task on the Panel's behalf.

[14] The Panel thanks all parties for the constructive way they have engaged in this process to date, acknowledging the tight timeframes and pressure on stretched resources.

A handwritten signature in blue ink, appearing to read 'MHill', is displayed on a light yellow rectangular background.

Mary Hill
Takitimu North Link – Stage 2 Expert Panel Chair