
MINUTE 8 OF THE EXPERT PANEL
Scope Question - Delmore [FTAA-2502-1015]

(9 July 2025)

[1] The purpose of this minute is to set out a scope question that the Delmore Expert Panel (**Panel**) requires an answer from both the Auckland Council (**Council**) and the Applicant.

[2] The request made by the Council in its comments on 25 June 2025 recommending that the Panel exercise its discretion under section 67 will be answered in a further minute shortly.

[3] The Applicant has now responded to the Council's comments and there are numerous (148) documents to review. The Panel has had the opportunity only to undertake a cursory consideration of the response.

[4] It is clear from the response that there have been a number of changes made to the substantive application, some of the changes may be significant and material. The Council and the Applicant are to provide a legal opinion on whether the amended substantive application is within scope.

[5] The opinions should address whether the changes to the substantive application, as set out in the Applicant's response, are such that an issue of scope arises in terms of what:

- (a) was applied for and considered under sections 46 and 47 FTAA; and
- (b) comments under section 53 FTAA were invited on.

[6] The legal opinions must be provided by **18 July 2025**.

[7] The participants should note that the Panel is likely to seek its own legal advice on the issue of scope. The Panel will issue a separate minute to this effect at the appropriate time.

[8] If any participant requires further guidance, they are welcome to request an on-line conference with the Panel.



Helen Atkins

Delmore Expert Panel Chair