
MINUTE OF THE PANEL CONVENER

Seeking clarification from QLDC (FTAA-2506-1071)
(12 August 2025)

[1] This Minute is released for the purpose of facilitating the convener's conference.

[2] In its memorandum dated 11 August 2025, QDLC foreshadows its concerns as to what are “actual and reasonable costs incurred by [QLDC] in performing or exercising their functions, duties, or powers under this Act in relation to the application”.¹

[3] QLDC goes on to give its view that the FTAA only requires the Council to provide written comment on the substantive application, it does not require the Council to undertake a full merits assessment of the Application, including through obtaining peer reviews, in the way it might normally do when it is a decision maker under the RMA.²

[4] Under s 53 of the FTAA a panel must invite a local authority to make a comment on the substantive application. However, the Act does not define what is meant by ‘comment.’ The nearest equivalent section in the RMA, is s 42A. Under that section a local authority “may require preparation of a report on information.” The RMA does not define report. Neither the RMA nor FTAA use the term “merits assessment.”

[5] In cl 11.2 of the Guidance Note the panel conveners say, for the purposes of section 53, “written comments” may include the provision of technical reports, legal advice, submissions, personal statements, and correspondence.

[6] The QLDC's concern is important, and I will seek advice from the EPA. Before doing so, I would be grateful for QLDC's clarification of “merits

¹ At [5.3].

² At [5.4].

assessment.” Is the concern around giving a recommendation on the project or about whether QLDC can recover through the EPA its actual and reasonable costs of engaging external (or internal) experts to comment on the reports filed in support of the application?

A handwritten signature in black ink, appearing to read 'Jane'.

Jane Borthwick

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