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**MINUTE 2 OF THE PANEL CONVENER**  
**Post-conference decisions on panel appointment and decision timeframe**  
**Stella Passage Project [FTAA-2512-1163]**  
**9 March 2026**

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### Participants

[1] On 5 March 2026 I held a convener conference in respect of this application. The conference was attended by the Applicant (Port of Tauranga Ltd, or PoTL), the local authorities (Bay of Plenty Regional Council (BOPRC), and Tauranga City Council (TCC)), the Director-General of Conservation (DoC) and representatives of the following:

- a. Ngāti Ranginui Iwi Society Inc;
- b. Ngāi Te Rangi Settlement Trust;
- c. Ngāti Ranginui Fisheries Trust;
- d. Ngāti Kuku Hapū Trust;
- e. Trustees of Ngā Hapū o Ngā Moutere Trust.

[2] For completeness, I record that all iwi authorities and Treaty settlement entities identified as relevant in the report prepared by MfE pursuant to section 18(2)(a) of the FTAA were invited to attend the conference. A number of other groups, including hapū affiliated to those iwi authorities, and MACA claimants were also identified in the section 18 report as having relevant interests. In accordance with convener practice that has developed over the past year, of

FTAA implementation, those additional groups were not invited to the conference but were provided with a copy of Minute 1. At my discretion, Ngāti Kuku Hapū and Trustees of Ngā Hapū o Ngā Moutere Trust were invited, given their role in the judicial review proceedings that resulted in withdrawal of the first application.

[3] Regardless of which section 18 report parties were invited to the conference, I expect that all will be encompassed by the invitation to comment to be issued by the Expert Panel upon their appointment.

### **Purpose of minute**

[4] The purpose of this minute is to:

- a. Briefly summarise the views expressed by conference participants on the matters of panel composition and the timeframe required for the expert panel to deliver its decision; and
- b. Confirm my decisions on those two matters.

[5] In advance of the conference, I received four written memoranda.<sup>1</sup> In relation to panel composition, all participants were comfortable with reappointment of the original Expert Panel that I had appointed to determine the first application. Further, both BOPRC and TCC had earlier confirmed by letter that they remained satisfied with their existing nomination to the panel.

[6] In relation to the decision timeframe, the participants expressed the following views:

- a. The Applicant proposed to retain a period of 80 working days following

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<sup>1</sup> Jointly from the Applicant and BOPRC; Ngāti Ranginui Iwi Society & Ngāti Ranginui Fisheries Trust; Ngāti Kuku Hapū; Trustees of Ngā Hapū o Ngā Moutere.

receipt of comments, as provided for the first application, on the basis that the application is identical, the principal issues in contention are cultural, the technical documentation is not as extensive as other FTAA applications that have warranted longer periods (eg Bendigo and Taranaki VTM) and there will be sufficient time to deploy other processes (such as issues conferencing) to resolve issues (such as in Waihi North, which was allocated an additional 82 working days). Moreover, the Applicant is continuing to engage with tangata whenua parties;

- b. BOPRC and TCC both endorsed the addition of 80 working days;
- c. Ngāti Kuku Hapū acknowledged that an additional 80 working days were allowed for the first application but noted that some parties did not have an opportunity to advocate for a longer period. Mātauranga Māori will be relevant to issues resolution, and the panel will need to allocate time to hearing from tangata whenua on cultural impacts, as well as to workshop cultural conditions for mitigation of those impacts and to discuss legal issues. 100-120 additional working days were proposed;
- d. Ngā Hapū o Ngā Moutere Trust agreed with Ngāti Kuku Hapū, noting that additional time would give the panel the flexibility it will need to undertake its task robustly, and that participants need to feel that they are properly heard;
- e. Ngāti Ranginui Iwi Society and Ngāti Ranginui Fisheries Trust also sought a longer decision period, citing the fact that the earlier application did not progress to a point where conditions were tested. Counsel also expressed concern regarding the cumulative process burden occasioned by the first application, the subsequent referral application and now this second application together with the broader

ongoing engagement process, all of which give rise to significant cost and resourcing difficulties;

- f. Ngāi Te Rangi Settlement Trust expressed alignment with the other tangata whenua parties.

[7] I record my thanks to all conference participants for their attendance and thoughtful participation.

### **Decisions**

[8] I am appointing the following persons to the Expert Panel to determine the substantive application lodged for the Stella Passage Project:

- a) Bronwyn Carruthers KC (chair);
- b) James Whetu;
- c) Hugh Leersnyder (local authority nominee).

[9] I am satisfied that, collectively, the Expert Panel will hold appropriate expertise and experience in relation to law, planning & policy, cultural context including Treaty settlement obligations, te ao Māori and Māori development, and coastal development.

[10] The date on which the Expert Panel will commence work is **16 March 2026**.

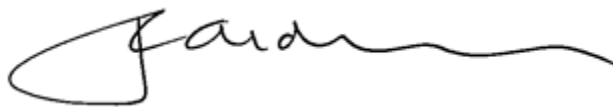
[11] After careful consideration of the matters raised at the conference, I consider that a timeframe of **90 working days** following the receipt of invited comments is appropriate. The Expert Panel decision will be due on **7 September 2026**, subject to the application being suspended for any of the reasons outlined in section 60 of the Act, and to comments on the application being invited on 30 March 2026.

[12] In setting this timeframe I have had regard to the following relevant matters:

- a) The cultural matters at issue will require a tikanga and mātauranga based approach that enables all iwi, Treaty settlement entity, hapū and other interested Māori parties to have an opportunity to address the Expert Panel;
- b) Given the background of the application and the relationship history between the Applicant and tangata whenua participants, the conditions that may be required to mitigate the cultural impacts are likely to require conferencing akin to mediation. Again, having regard to tikanga and mātauranga, that process may require more time than the parties anticipate;
- c) A focused issues hearing may be required.

[13] I recommend that the Applicant make early arrangements for the Expert Panel to undertake a site visit.

[14] In terms of next steps, the participants will be contacted by the Expert Panel upon their commencement.

A handwritten signature in black ink, appearing to read 'Jennifer Caldwell', with a long, sweeping horizontal line extending to the right.

Jennifer Caldwell

Associate Panel Convener for the purpose of the Fast-track Approvals Act 2024