
MINUTE 3 OF THE EXPERT PANEL

Stella Passage Development FTAA-2512-1163

31 March 2026

- [1] The purpose of this Minute is to request further information from the Applicant following the Expert Panel's initial review of the Substantive Application Report (**SAR**) and direct it be provided within 10 working days.

Further information requested

- [2] The SAR Executive Summary focuses on the economic significance of the Project. The Expert Panel (**Panel**) seeks clarification as to whether there are also other benefits the Applicant wishes the Panel to have regard to. It would also assist the Panel to receive a copy of the 27 November 2025 Notice of Decision in relation to the referral application referenced in footnote 16 of the SAR (noting the Panel understands that application is not being utilised).
- [3] The SAR Executive Summary identifies the five restricted discretionary activity consents required under the Resource Management Act 1991 for the Project,¹ then suggests it is appropriate to bundle the activities for which consent is sought. The Panel seeks clarification as to what is meant, and whether the Applicant agrees that each restricted discretionary activity must be assessed by reference to the matters over which discretion has been

¹ Noting that Section 1.6.1 identifies an additional consent, a controlled activity for the maintenance dredging.

retained in the relevant plan (as listed in SAR 5.1.7 *Matters over which Discretion is Restricted*). The Panel notes the succinct assessments provided in SAR 10.7 *Section 104A – Controlled Activities* and SAR 10.8 *Section 104C – Restricted Discretionary Activities* and requests an assessment of each of the controlled and restricted discretionary activities against the relevant matters / assessment criteria for each activity. A table format identifying the individual provision and the page(s) where the relevant assessment is provided would suffice, together with a concluding statement to complement what has been provided in SAR 10.13 *Statutory Assessment Conclusion*.

- [4] The SAR Executive Summary records the Applicant’s position that “its proposed mitigation measures (both those specific to Māori cultural matters and the wider Project mitigation measures) strike an appropriate balance between the Project’s benefits and its impacts on Māori cultural values and associations.” The Panel seeks clarification as to whether the Applicant considers the cultural effects are an “adverse impact” as defined by the FTAA.
- [5] To better understand the context and the potential cumulative cultural effects, the Panel would be assisted by a comprehensive chronological outline of the historical development and progressive expansion of the Port of Tauranga. Specifically the Panel requests a timeline (preferably in a tabular form) outlining, to the extent the information is available:
- (a) all stages of the Port’s development and expansion from establishment through to present day;
 - (b) relevant regulatory matters and requirements (e.g Regional Coastal Environment Plan and Treaty settlement legislation etc) at the relevant time;
 - (c) consenting process (e.g lodgement date and whether notified/non-notified) and consents granted (including any relevant Management

- Plans) for each stage;
- (d) any substantive variations to consents granted and/or updated Management Plans certified;
 - (e) consultation with, and any reports (e.g cultural values/impact assessment reports) prepared by, Iwi/Hapū/Marae;
 - (f) arrangements established (e.g Ngā Mātarae Charitable Trust) between the Port company / owner at the relevant time and Iwi/Hapū/Marae; and
 - (g) any event relevant or in proximity to Port of Tauranga.
- [6] The discussions in SAR 1.2.3 *Stella Passage Shipping Channel* and SAR 1.3 *Project Details* reference existing consent 62920, with 5.9ha of the 6.1ha to be dredged in Stage 1 able to be dredged to 12.9m below CD under the existing consent. In SAR 1.3 *Project Details* the Applicant confirms that it is seeking to “re-authorise that previously consented dredging” and in SAR 2.1.2 *Requirements for Substantive Applications* and SAR 3.5.2 *Resource Consent 62920: capital dredging* the Applicant indicates it will surrender existing consent 62920 if consent is granted to the Project. A helpful comparison of the consented and proposed dredging footprint and depth is provided in Figures 27 and 53 of the SAR. The Panel understands from Figures 28 and 29 of the SAR that the area north of the proposed dredging can be dredged to 16m below CD in reliance on resource consent 65806 (or any replacement consent, if necessary, obtained via a separate application). The Panel seeks clarification as to whether either or both of the existing consents numbered 62920 and 65806 are being relied on to determine either the receiving environment or the effects generated by the Project, and if so, in what manner.
- [7] SAR 1.7.2 *2021 – 2025 – application direct referral referred to the Environment Court* refers to amendments made in May 2021 during the Environment Court process that have been retained in this application. The briefing provided to the Panel explained these changes were “in response to

concerns iwi/hapū raised”. The Panel would be assisted by information provided to the Environment Court in May 2021 that more clearly explains the concerns raised and how the changes responded. It also requests a copy of the substantive response (with attachments) filed with the Environment Court on 30 September 2024.

- [8] SAR 3.6.2 *Tauranga City Plan* indicates the Applicant “proposes that the Port Industry Zone would apply to the reclaimed land”. The Panel seeks clarification as to whether the relevant rule and related assessment criteria for the proposed cranes is reliant on the proposed cranes being within the Port Industry Zone and/or whether any further or different consents are required if the proposed cranes are consented or erected prior to the reclaimed land being zoned.
- [9] SAR 5.1.3.1 *RCEP Rule Assessment* refers to construction noise. Table 18 acknowledges the applicable noise limits may not be complied with, noting “small potential exceedances” but indicates a permitted activity status. SAR 6.12.2.2 *Night-time construction noise* and the related assessment on page 293 of the SAR implies there are no applicable rules for night-time construction noise. The Panel seeks clarification as to:
- (a) the applicable noise limits for night-time construction;
 - (b) whether those limits are predicted to be exceeded such that consent is required;
 - (c) if so, either the activity status or clarification as to whether night-time dredging can be avoided in the area identified in Figure 83.
- [10] SAR 6.11.3.1 *Landscape Effects* acknowledges a landscape effect of a moderate degree resulting, in part, from the location of the proposed container cranes on the Sulphur Point wharf extensions. In SAR 10.13 *Statutory Assessment Conclusion* reasons are given as to why the effect is considered by the Applicant to be “acceptable”. The Panel seeks

clarification on:

- (a) whether any of the proposed new cranes meet the locational criteria in Rule PZ4, or all require consent for location.
- (b) The Applicant's position as to:
 - (i) whether the placement of the new cranes on the extended wharf is an effect of allowing the Sulphur Point wharf extension;
 - (ii) if so, whether the matter of discretion in Rule PZ 8(o) (or any other) makes that effect relevant to the Panel's consideration; and
 - (iii) if so, whether it amounts to an "adverse impact" as defined by the FTAA.

[11] SAR 8.2.4 *Engagement and consultation after first substantive application* refers to "a focus on the development of an outcomes framework", but that "at the time of lodging... no further update could be provided here". The Panel would appreciate an update, if and when one is able to be provided.



Bronwyn Carruthers KC

Stella Passage Development Expert Panel Chair