

BEFORE THE PANEL CONVENERS UNDER THE FAST-TRACK APPROVALS ACT 2024

IN THE MATTER OF an application for resource consents and a wildlife approval under the Fast-track Approvals Act 2024 by Port of Tauranga Limited for activities associated with a listed project, being the Stella Passage Development

MEMORANDUM OF COUNSEL ON BEHALF OF PORT OF TAURANGA LIMITED

DATED 9 JULY 2025



525 Cameron Road
DX HP40014
Private Bag 12011
Tauranga 3143
Telephone: (07) 578 2199
Facsimile: (07) 578 8055

Solicitor: Vanessa Hamm
Cory Lipinski

Email: vanessa.hamm@hobec.co.nz
cory.lipinski@hobec.co.nz

MAY IT PLEASE THE PANEL CONVENERS:

1. This memorandum is filed on behalf of Port of Tauranga Limited (**POTL**), the applicant for the listed Stella Passage Development project (**Project**).
2. As indicated in the joint memorandum of counsel dated 27 June 2025, Counsel intends to provide a list of suitable candidates for appointment to the expert panel and also a list of persons who should not sit on the panel by virtue of them having provided evidence against POTL's direct referral application in the Environment Court.
3. POTL and BOPRC suggested the panel comprise of the following:
 - (a) *The chairperson should be a senior lawyer or a retired judge. This would ensure that any legal issues including any questions of scope that are raised throughout the process are appropriately addressed.*
 - (b) *One member should have an understanding of te ao Māori and Māori development given that outstanding issues pertain to the cultural effects of the Project.*
 - (c) *One member should have relevant planning expertise.*
 - (d) *If the Panel Conveners are minded to appoint a fourth member, the final member should be a coastal scientist given the Project's location in the coastal marine area.*
4. In making these suggestions, Counsel acknowledges that there is no requirement for the Panel Conveners to appoint a person or persons to the expert panel that are nominated by POTL. A person is also not ineligible for appointment to the panel by reason only that they are a member of a particular iwi or hapū, including an iwi or

hapū that is represented by an iwi authority that must be invited by the panel to comment on the application.¹

5. Counsel has not confirmed whether the nominated persons are willing or available to sit on the expert panel.

Chairperson

6. With respect to the panel chair, POTL suggests that one of the following senior lawyers could fill this position:

- (a) Janette Campbell, Barrister, Bankside Chambers;
- (b) Stephen Christensen, Barrister;
- (c) Martin Williams, Barrister, Shakespeare Chambers;
- (d) Lachlan Muldowney, Barrister; and
- (e) Vicki Morrison-Shaw, Barrister.

Te ao Māori and Māori development

7. POTL suggests the following persons for appointment to the panel, who would bring the necessary understanding of te ao Māori and Māori development:

- (a) James Whetū, Planner, Whetū Consultancy Group;
- (b) Rauru Kirikiri, Director, RK Associates Ltd; and

¹ Clause 7(2), Schedule 3 Fast-track Approvals Act 2024.


(c) Vicki Morrison-Shaw, Barrister.

8. We consider that Vicki Morrison-Shaw could chair the panel and also bring the necessary understanding of te ao Māori and Māori development. If she were appointed as chair, Counsel does not consider that there needs to be a second member of the panel who brings an understanding of te ao Māori and Māori development.

Conflicted persons

9. A list of persons who gave evidence or appeared as advocates in the 2023 Environment Court direct referral hearing for the Stella Passage Development is set out in Appendix One. Counsel submits that these persons are conflicted out of sitting on the expert panel for the Project, and respectfully requests that these persons should not be appointed by the Panel Conveners.

DATED this 9th day of July 2025.



Vanessa Hamm / Cory Lipinski
Counsel for Port of Tauranga Limited

Appendix One
Conflicted Persons

Ngāti Ranginui Iwi Society Incorporated

1. Donna Gardiner

Te Rūnanga o Ngāi Te Rangi Iwi Trust

2. Hauata Palmer
3. Charlie Tawhiao
4. Paora Stanley
5. Ramari Stewart
6. Pia Bennett
7. Greg Carlyon
8. John Heaphy
9. Diane (Di) Lucas

Whareroa Marae Trust

10. Manea Ngatai
11. Joshua Gear
12. Veronica Edwards

Whareroa Marae Trust – Ngāti Kuku

13. Ngahi Ngatai
14. Tiaki Wepiha Te Kapene (Jack) Thatcher

Ngāti Kuku Hapū

15. Awhina Ngatuere
16. Te Maumako August
17. Nathan James
18. Joel Ngatuere

Ngāti Kaahu a Tamapahore

19. Whitiora Rangimarie McLeod

Ngāti Ranginui Fisheries Trust

- 20. Charles Rahiri
- 21. Rober McGowan (Pā Ropata)
- 22. Tracey Ngatoko
- 23. Carlton Bidois
- 24. Caine Taiapa

Ngāti Tapu and Ngāti He

- 25. Puhirake Ihaka
- 26. Mita Ririnui
- 27. Colin Reeder
- 28. Des Heke-Kaiawha

Ngā Hapū o Ngā Moutere Trust

- 29. Enoka Rolleston
- 30. Mikaere Sydney
- 31. Nessie Kuka
- 32. Jason Murray
- 33. Hayden Murray
- 34. Ngaraima Taingahue
- 35. Te Uta Rolleston (Roretana)
- 36. Hori Murray
- 37. Brendon Taingahue
- 38. Reon Tuanau

Tupuna Trust

- 39. Pouroto Ngaropo