
MINUTE 2 OF THE PANEL CONVENER
Judicial Review POTL - Stella Passage Development
FTAA-2504-1042
4 July 2025

Purpose of conference

[1] On 2 July 2025 I held a convener conference in respect of this application.

[2] The conference was attended by the Applicant, the local authorities (Bay of Plenty Regional Council (BOPRC) and Tauranga City Council (TCC)), the Department of Conservation (DoC) on behalf of the Director-General, the Ministry for the Environment (MfE) and the following iwi authorities and Treaty settlement entities as identified in a report provided by MfE under sections 18 and 49 of the Fast-track Approvals Act 2024:

- (a) Te Rununga o Ngāti Ranginui Iwi Society Incorporated
- (b) Ngāti Ragninui Fisheries Trust
- (c) Ngā Hapū o Ngāti Ranginui Settlement Trust
- (d) Ngāi Te Rangi Settlement Trust
- (e) Te Rununga o Ngāi Te Rangi Iwi Trust
- (f) Ngāti Pūkenga iwi ki Tauranga Trust
- (g) Te Tāwharau o Ngāti Pūkenga
- (h) Ngāa Pōtiki a Tamapahore Trust
- (i) Tauranga Moana Iwi Customary Fisheries Trust

[3] Ngā Tai ki Mauao Hapū Collective also sought permission to attend the conference despite not being an iwi authority or Treaty settlement entity. Several of the hapū members of the Collective (Ngāti Kuku Hapū Trust and trustees of

the Ngā Hapū o Ngā Moutere Trust) are applicants in judicial review proceedings issued on 4 June 2025 against the Environmental Protection Agency (EPA) and Port of Tauranga Ltd (the Applicant) in respect of this application.

[4] I granted permission for counsel for the Collective to attend the conference as an observer and in order to answer any questions I might have regarding the judicial review proceedings.

[5] The purpose of the conference was to canvass views of the statutory participants in respect of the two principal matters that I must determine in the exercise of my duties, functions and powers under the Act, namely the appointment of an expert panel to make a decision on the approvals sought in the application, and the setting of a timeframe within which that decision must be delivered. I will issue a separate minute in due course setting out the views that were expressed by conference participants as to those two matters and confirming the determinations I have made.

[6] The purpose of this minute is to record my discussion with counsel for Ngā Tai ki Mauao Hapū Collective, Mr Rob Enright, in relation to the conduct of the judicial review proceedings and their impact on the conduct of this application under the Act.

[7] For completeness, I note that:

- (a) The statement of claim in the judicial review proceedings challenges the completeness decision made by the EPA in respect of the application on 8 May 2025, setting out causes of action in respect of application scope, adequacy of consultation undertaken, sufficiency of information provided by the applicant and a failure of the EPA to give reasons;
- (b) Following the completeness decision, the EPA provided the

application to the Panel Convener on 26 May 2025 pursuant to section 46(3) of the Act;

- (c) The Panel Convener then has functions under section 50 and Schedule 3 of the Act in respect of panel appointment and fixing the decision timeframe. Those functions are not subject to any fixed time limits;
- (d) The Panel Convener, and all persons exercising functions, duties and powers under the Act, must under section 10 take all practicable steps to use timely, efficient, consistent and cost-effective processes. That requirement expressly includes a duty to act promptly in circumstances where no time limit has been set for the performance or exercise of a function, power, duty or requirement under the Act.

[8] I advised Mr Enright that I was aware of the judicial review proceedings, had read the documents filed in the High Court and understood there was to be a first mention on Monday 7 July 2025 at which the judicial review applicants planned to seek a priority fixture (for which a formal application was made at the time the proceedings were issued.)

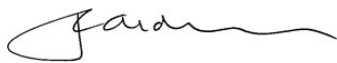
[9] I noted that no interim relief had been sought against the Panel Convener, and expressed my view that, in the absence of a High Court order to the contrary, I am under a duty, consistent with the procedural principles in section 10, to move ahead with setting up a panel and fixing a timeframe for the decision. I advised that, following the convener conference, it would likely take 2-3 weeks to complete those steps.

[10] Mr Enright indicated that my comments were helpful and that a Minute would be of assistance to him when discussing the timing of the judicial review proceedings with the High Court on 7 July.

[11] I issue the following directions:

- (a) This Minute is provided for assistance to the parties when discussing timetable and priority with the High Court on the judicial review proceedings;
- (b) Following the High Court conference on 7 July Mr Enright on behalf of the judicial review applicants is to advise the EPA whether they intend to seek interim relief against the Panel Convener and, if so, the timetable orders made by the High Court in respect of the filing of any such application.

[12] I will continue to take steps to identify potential panel members and to consider an appropriate decision timeframe in light of information provided to me at the convener conference. However, I will not direct commencement of an Expert Panel for the Stella Passage application prior to 1 August 2025.



Jennifer Caldwell

Associate panel convener for the purpose of the Fast-track Approvals Act 2024