

File ref: FTAA-2512-1163

29 June 2026

Tēnā koe

Request for information in relation to the Stella Passage Development under the Fast-track Approvals Act 2024

The Stella Passage Development Expert Panel (the Panel) has directed the Environmental Protection Authority (EPA) to request further information from you under section 67 of the Fast-track Approvals Act 2024 (the Act), relating to the POTL - Stella Passage Development application.

At the Panel's direction, the EPA is requesting the information set out at paragraph [2] in the attached Minute 7. The Minute identifies, in bold, the party group responsible for providing the information requested in each paragraph.

Supply of Information

In accordance with section 67(2) of the Act you must:

- a) Provide electronic copies of the information or report requested; or
- b) Advise the EPA, with reasons that you decline to provide the information or report requested.

Please provide the further information to the EPA by **14 July 2026**.

If the information requested is not received, the Panel must proceed as if the request for further information has been declined.

Please note, the information will be provided to the Panel, the applicant and every person who provided comments on the application. The information will also be made available on the Fast-track website.

If you have any questions, please contact Application Lead, Keely Paler by email at info@fasttrack.govt.nz

Nāku noa, nā

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Keely Paler

Application Lead

MINUTE 7 OF THE EXPERT PANEL

Stella Passage Development FTAA-2512-1163

29 June 2026

[1] The purpose of this Minute is to:

- (a) Set out the further information the Panel has directed the EPA to request following the Panel's initial review of the comments and Applicant's response., as outlined further below;
- (b) Set a process for certain "western science" matters remaining in dispute;
- (c) Indicate the Panel intends to accept the invitation to convene a Cultural Issues hearing adopting a tikanga-consistent oral process at Whareroa Marae and proposes to do so on 27 - 29 July 2026.

Further information

[2] The Panel has directed the EPA to request the further information from the parties identified in **bold** as set out below:

- (a) As foreshadowed in Minute 5, legal submissions and/or planning evidence from **any participant other than the Applicant** that considers any condition(s) identified by the Applicant in Appendix 2 of its response to Minute 5 as *Augier* conditions may instead fall within the scope of allowable conditions under s108AA(1)(b) of the RMA.

- (b) Confirmation of whether the **Applicant** agrees to the request from the Department of Conservation that recertification of the avifauna management plan occurs every 10 years to ensure that best practice methods and the current threat status of wildlife is adequately considered over time or considers direct conferencing or some alternate process is necessary to discuss this remaining issue.
- (c) From **any participant other than the Applicant**, targeted legal submissions addressing sections 7, 82 and 85(1)(b) of the FTAA identifying:
 - (i) The existing Treaty settlement, as defined in the FTAA;
 - (ii) The relevant obligation(s) arising under that settlement;
 - (iii) How a decision to grant the approvals would arguably be inconsistent with the obligation(s);
 - (iv) Whether the settlement provides for the consideration of any document (as defined in s82(4)) when decisions are made under s104 of the RMA or s53 of the Wildlife Act 1953.
- (d) Confirmation of whether the **Applicant** wishes to propose any amendments to its draft conditions at this time, either in response to the initial comments provided by Ms Burkhardt on behalf of Ngāti Ranginui Fisheries Trust and Ngāti Ranginui Iwi Society (in paragraphs 30 - 43), the response from Te Tāwharau o Ngāti Pūkenga Trust and Ngāti Pūkenga Iwi ki Tauranga Trust (Part V), paragraph 52 of Pia Bennett's evidence on behalf of Ngā Tai ki Mauao, the conditions proposed by the Tauranga Moana Iwi Customary Fisheries Trust referenced in paragraph 7 of its 8 June 2026 response, or more generally.
- (e) From the **Applicant**, any other comment, submissions or evidence it wishes to provide in response to the further information provided by the other participants in response to Minute 5.

[3] Section 67(3) of the FTAA provides a maximum time period of 10 working days for providing the further information sought above.

Western Science

[4] The one outstanding matter raised by the Department of Conservation is addressed by the request for information in paragraph [2](a) above.

[5] Ngāti Kuku hapū / Trustees of Whareroa Marae have identified matters that remain in dispute and could be the subject of expert conferencing of the landscape and public health experts. The Panel directs:

- (a) Counsel for the Applicant and Ngāti Kuku hapū / Trustees of Whareroa Marae to prepare agreed draft agendas for expert conferencing of the landscape and public health experts and submit to the Panel for consideration by **3 July 2026**;
- (b) Facilitated expert conferencing to occur in the week of **13 July 2026**, with joint witness statements to be filed by **20 July 2026**.

[6] The Panel will endeavour to issue final agendas for the expert conferencing by 8 July 2026.

Cultural Issues

[7] The Panel intends to hold a hearing adopting a tikanga-consistent oral process at Whareroa Marae, if available, on **27 – 29 July 2026** to hear from tangata whenua participants as to the cultural effects of the project (including methods to avoid, remedy or mitigate the same through conditions).

[8] The Panel anticipates that each tangata whenua participant will be allocated up to 1 hour to address the Panel. While a formal response to the Hearing Notice will be required in due course, the Panel would be assisted by confirmation from each tangata whenua participant by **6 July 2026** as to:

- (a) Intention to attend the hearing;
- (b) Any preference for day or time to attend; and

- (c) Whether the Panel would likely be assisted by a translator depending on the extent of te reo Māori intended to be spoken.

[9] The Panel has requested the EPA liaise with Ngāti Kuku hapū / Trustees of Whareroa Marae regarding venue availability and logistics.

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Bronwyn Carruthers KC

Stella Passage Development Expert Panel Chair