
MINUTE 3 OF THE PANEL CONVENER
Post-conference directions to Ministry for the Environment arising from
section 18 report - POTL - Stella Passage Development
FTAA-2504-1042
11 July 2025

Purpose of conference

[1] Further to Minute 2, issued on 4 July 2025, the Ngāti Kuku Hapū Trust and trustees of the Ngā Hapū o Ngā Moutere Trust (the applicants for judicial review in respect of this application) have now complied with my second direction by way of a memorandum filed on 8 July 2025. The High Court will hear the application for interim relief on 16 July 2025.

[2] Once the outcome of the interim relief application is known, I will issue a substantive minute confirming my decisions on both panel composition and decision timeframe, with reasons. In the meantime, as I indicated in Minute 2, I am continuing to consider those matters and have to that end written to the relevant local authorities to seek their nomination for the expert panel.

[3] There are two other matters that warrant directions, having been raised by participants at the convener conference on 2 July. Both relate to the section 18 report provided by the Ministry for the Environment (MfE) dated 9 June 2025:

- (a) Counsel for Te Rununga o Ngāti Ranginui and Ngāti Ragninui Fisheries Trust advised that the Ngāti Ranginui settlement legislation

provides for most settlement redress to be vested in a further 8 post-settlement governance entities (PGSEs), representing the relevant hapū [Ngāi Tamarāwaho, Ngāi Te Ahi, Ngāti Hangarau, Ngāti Ruahine, Ngāti Taka, Ngāti Te Wai, Pirirākau, Wairoa hapū - including Ngāti Kahu, Ngāti Pango, and Ngāti Rangī]. The section 18 report does not refer to the hapū, nor does it recognise their status, and counsel expressed concern that this might prevent the hapū from having an appropriate opportunity to participate in the fast-track process. Counsel for Ngā Hapū o Ngāti Ranginui Settlement Trust confirmed this and noted that the settlement legislation is very recent.

- (b) Counsel for the applicant requested that MfE be asked to clarify and if necessary, correct a suggestion in the section 18 report that there is an overlap between the footprint of the project area and the footprint of the Te Maunga o Mauao Mātaaitai Reserve. The applicant filed a memorandum dated 3 July 2025 confirming the nature of its concern.

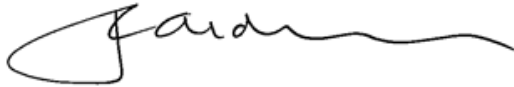
[4] All parties at the conference acknowledged that the cultural impacts of the application are the central, though not the only, issues in dispute. For that reason, and to ensure that the Expert Panel, when appointed, has accurate information before it in relation to the full scope of section 18 parties, these matters require further clarification from MfE.

[5] I issue the following directions to MfE:

- (a) Provide an updated section 18 report to the Panel Convener which:
 - (i) Confirms that the 8 hapū-based PGSEs established by the Ngāti Ranginui settlement legislation have been appropriately identified and records all appropriate details of those interests;
 - (ii) Clarifies statements made in paragraphs 23 and 60 of the original section 18 report (ie that the project area overlaps with

Te Maunga o Mauao Mātaitai Reserve) and confirms that, in accordance with the map attached to the applicant's memo of 3 July, there is no such overlap.

- (b) The updated report should be provided to the EPA no later than Friday, 18 July 2025.

A handwritten signature in dark ink, appearing to read 'J. Caldwell', with a large loop at the start and a wavy line extending to the right.

Jennifer Caldwell

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