

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 28 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 (the **Project**). The purpose of this memorandum is to provide an update to the Panel Conveners on the outcome of the Ngāti Kuku Hapū Trust's and the trustees of the Ngā Hapū o Ngā Moutere Trust's (the **Applicants**¹) application for interim relief to stay the fast-track process until the High Court has heard the substantive judicial review proceedings.
2. The High Court heard the application on 16 July 2025, and on 25 July 2025 released its decision that **declined** the Applicants' application for interim orders staying the fast-track process. The parties are now working towards setting down a priority hearing for the substantive judicial review proceedings.
3. The fast-track process is to continue simultaneously with the judicial review.
4. Notwithstanding the Panel Conveners' indication that they will not direct commencement of a panel until after 1 August 2025², it is our submission that in light of the High Court's decision to decline the stay application a panel can be stood up before 1 August 2025. As such, we respectfully request that the Panel Conveners now take steps to commence the panel without delay.

DATED this 28th day of July 2025.



Vanessa Hamm / Cory Lipinski
Counsel for Port of Tauranga Limited

¹ These being the applicants for judicial review of the EPA's completeness decision on the Project's substantive application.

² Stella Passage Development FTAA-2504-1042 at [12].