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**MINUTE 1 OF THE PANEL CONVENER**  
**Convener's Conference**

**POTL - Stella Passage Development [FTAA-2512-1163]**

**2 March 2026**

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[1] A convener conference will be held on Thursday 5<sup>th</sup> March at 2pm-3:30pm.

[2] This is the second application lodged under the Fast-track Approvals Act 2024 (FTAA) in respect of the Stella Passage Development, involving the extension of the Sulphur Point and Mount Maunganui wharves at the Port of Tauranga, with activities including dredging, reclamation, development of new structures in the coastal marine area, and installation and use of four new cranes on the extended wharves to support port operations.

[3] The previous application was withdrawn on 16 January 2026 following a series of events including judicial review proceedings, amendment of the FTAA, the lodgement of a referral application in respect of the Stella Passage development and (on 19 December 2025) the Minister's grant of priority in respect of the second application, once lodged.

[4] On 11 February 2026, Applicant's counsel filed a memorandum stating the Applicant's position that a convener conference is not required, on the basis that:

- (a) The scope of the second application is the same as the first;
- (b) A conference was held for the first application;
- (c) The level of complexity and the issues arising remained the same for the second application as were identified for the first;
- (d) The panel convener was satisfied that she had sufficient information

on the first application to appoint a panel;

- (e) Holding a further conference in these circumstances would be inconsistent with the procedural principles of the FTAA.

[5] The memorandum went on to record the Applicant's view that:

- (a) The timeframe for the panel's decision should remain the same as set for the first application – an additional 80 working days following receipt of comments;
- (b) The size of the panel, and the expertise required, should remain the same as that established for the first application.

[6] While I understand the Applicant's desire to have the second application determined as expeditiously as possible given the chain of events that ensued with the first application, I am not prepared to dispense with a convener conference. While the Applicant's views as to timing and panel composition may remain unchanged, the views of other participants are also relevant, and they should be given an opportunity to express those views in a way that gives effect to the procedural principles.

[7] For that reason, the conference has been scheduled within a few days of this minute. I set out below the matters on which I will seek participant views at the conference, and I will not require participants to file written memoranda unless their views depart substantially from those they held at the time of the first application conference, or from those stated by the Applicant as to decision timeframe and panel composition.

### **Participants at the panel convener's conference**

[8] The following persons<sup>1</sup> are invited to attend the conference:

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<sup>1</sup> These people are referred to as 'statutory participants' in the Guidance Note.

- a) The authorised person or applicant - Port of Tauranga Limited.
- b) Relevant iwi authority and relevant Treaty settlement entities (see Schedule 3).<sup>2</sup>
- c) Relevant administering agency –
  - i. Department of Conservation
- d) Relevant local authority -
  - i. Tauranga City Council
  - ii. Bay of Plenty Regional Council

### **Timeframe for a decision**

[9] The Panel Convener decides the appropriate timeframe for release of the decision on the application, having regard to the scale, nature, and complexity of the approvals sought (among other matters).<sup>3</sup> The first application for this project allocated a total of 110 working days, including 30 working days for the issue of invitations to comment and the provision of comments from invited parties, and an additional 80 working days fixed by me following the convener conference.

[10] On the basis that the scope of the second application has not changed, I invite participants to comment at the conference on an appropriate allocation of time, in view of the following factors:

- (a) Whether the principal issues in contention remain the same or have increased or reduced in any material way since the first application;
- (b) The extent to which the Applicant has engaged with other participants

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<sup>2</sup> FTAA, ss 18(2)(a). Section 7 states, relevantly, all persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with—the obligations arising under existing Treaty settlements. The panel has a discretion to invite the iwi authorities and the Treaty settlement entities together with other Māori groups with a relevant interest to comment.

<sup>3</sup> FTAA, section 79.

- regarding the contentious issues prior to lodging the new application;
- (c) The extent to which the proposed consent conditions are accepted;
  - (d) Any Expert Panel processes that may be required or proposed to enable the panel to understand, resolve or narrow the scope of any likely issues and how they can be provided for when setting the decision timeframe;
  - (e) Whether the Applicant's proposal of an additional 80 working days is accepted.

### **Composition of the Panel**

[11] The Expert Panel appointed to determine the first application did not commence work due to the intervention of the High Court on judicial review proceedings. The members of that panel remain available to accept appointment to determine the new application and, subject to confirmation from the councils that they remain satisfied with their nomination, I intend to reappoint them immediately following the conference.

[12] If any conference participants have concerns about reappointment of the first Expert Panel, they should be ready to express those concerns at the conference.

[13] I remain cognisant of the views expressed by some participants at the earlier convener conference as to the composition of the panel and in particular, requests made to appoint 4 or 5 panel members, including a member with mātauranga māori expertise. Subject to views that may be expressed at the conference, I remain satisfied that the Expert Panel meets the relevant requirements under the FTAA.

### **Accessibility and recording of the panel convener's conference**

[14] The conference will be held remotely, with access provided to participants. The conference will be recorded, and a copy of the recording will be made available on the fast-track website.

The application documents can be viewed on the fast-track website here: [Second substantive application](#).

### **Cost recovery**

[15] Cost recovery for participation in fast-track processes is determined by the FTAA and the Fast-track Approvals (Cost Recovery) Regulations 2025.

Costs for preparing and attending this conference are described in the policy. For information on costs recovery, the link to the policy is found [here](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0007/1411/Policy-for-Fast-track-Fees,-Levies-and-Cost-Recovery.pdf): [https://www.fasttrack.govt.nz/\\_data/assets/pdf\\_file/0007/1411/Policy-for-Fast-track-Fees,-Levies-and-Cost-Recovery.pdf](https://www.fasttrack.govt.nz/_data/assets/pdf_file/0007/1411/Policy-for-Fast-track-Fees,-Levies-and-Cost-Recovery.pdf)

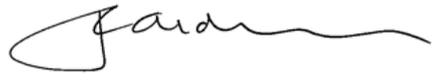
### **Preparation**

[16] Given the background to this application, and mindful of the Minister's direction to give priority to it, I do not require written memoranda to be filed by conference participants **unless**:

- (a) participants wish to express views as to timeframe that are different to those of the Applicant; or
- (b) Participants have concerns regarding re-appointment of the original Expert Panel.

### **Directions**

[17] I direct the participants to confirm their attendance, and to file any written memoranda to the effect set out in paragraph 16 above, by **5pm Wednesday 4<sup>th</sup> March**.

A handwritten signature in black ink, appearing to read 'Jennifer Caldwell', with a long, sweeping horizontal stroke at the end.

Jennifer Caldwell

Panel convener for the purpose of the Fast-track Approvals Act 2024

**Schedule 1: relevant iwi authorities and relevant Treaty settlement entities**

**FTAA, s 18(2)(a)**

- Ngāti Pūkenga Iwi ki Tauranga Trust
- Te Tāwharau o Ngāti Pūkenga
- Te Rūnanga o Ngāi Te Rangi Iwi Trust
- Ngāi Te Rangi Settlement Trust
- Ngāti Ranginui Iwi Society Inc
- Ngā Hapū o Ngāti Ranginui Settlement Trust
- Ngāti Ranginui Fisheries Trust
- Ngā Pōtiki a Tamapahore Trust
- Te Kapu o Waitaha Trust
- Te Kotahitanga o Te Arawa Waka Fisheries Trust Board
- Te Ohu Kaimoana
- Tauranga Moana Iwi Collective Limited Partnership
- Te Runanga o Ngāti Ranginui
  - Including the eight post settlement governance entities 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].

**Invited at the discretion of the Panel Convener:**

- Ngāti Kuku Hapū Trust
- Trustees of Ngā Hapū o Ngā Moutere Trust

**Copied to (but not invited to participate at the conference) –**

MACA applicant groups

- MAC-01-05-024/CIV 2017-485-355 – Te Whānau a Mekomoko
- MAC-01-05-005 – Ngā Hapū o Matakana

- MAC-01-05-006/CIV 2017-485-244 – Ngā Hapū o Ngāi Te Rangi
- MAC-01-05-009 – CMT/PCR – Ngāi Tamarawaho
- MAC-01-05-013/CIV 2017-485-219 – Ngāti He
- MAC-01-05-015/CIV 2017-485-250 – PCR – Ngāti Pūkenga
- MAC-01-05-016/CIV 2017-485-294 – Ngā Hapū o Ngāti Ranginui Settlement Trust
- MAC-01-05-025 – Waaka and Holloway Whānau

Customary Fisheries:

- Kia Māia Ellis – tangata kaitiaki/tiaki for Te Maunga o Mauao Mātaitai Reserve
- Tauranga Moana Iwi Customary Fisheries Trust

Other Māori groups with relevant interests:

- Ngāi Tukairangi (hapū of Ngāi Te Rangi)
- Ngāti Kuku (hapū of Ngāi Te Rangi)<sup>4</sup>
- Ngāti Hē (hapū of Ngāi Te Rangi)
- Ngāti Kaahu a Tamapahore
- Ngāti Kahu (hapū of Ngāti Ranginui)
- Ngāti Tapu (hapū of Ngāi Te Rangi)
- Ngāi Tamarawaho (hapū of Ngāti Ranginui)
- Whareroa Marae (Ngāti Kuku, Ngāi Tukairangi)
- Ngā Hapu o Ngā Moutere Trust (collective of Matakana Island hapū: Ngāi Tuwhiwhia, Ngāi Tamawhariua, Ngāti Tauaiti, Te Ngare, Whānau a Tauwhao)<sup>5</sup>
- Ngā Tai ki Mauao hapū collective (comprising Ngāi Tuwhiwhia, Ngāi Tamawhariua, Te Ngare, Whānau a Tauwhao (ki Rangiwaea), Ngāti Tauaiti,

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<sup>4</sup> Invited at the discretion of the Panel Convener

<sup>5</sup> Invited at the discretion of the Panel Convener

Ngāti Kuku, Whareroa Marae Trust, Ngāti Tapu; Ngāti Kaahu a Tamapahore; Ngā Kaitiaki o Rangataua; Ngāti Hē; Ngāti Kahu (ki Tauranga)).