
MINUTE OF THE PANEL CONVENER

Advising date for convener conference for POTL Stella Passage Development
(FTAA-2504-1042)
(29 May 2025)

[1] On Monday, 26 May 2025, I received the application lodged by Port of Tauranga Limited for the Stella Passage Development. This application was provided to me in accordance with section 47(7) of the Fast-track Approvals Act 2024.

[2] The purpose of this Minute is twofold. It is to:

- (a) advise the tentative date for the convener's conference; and
- (b) attach the template Minute for convener's conference.

[3] Associate Convener Jennifer Caldwell is assigned to this application. However, as she is currently on leave, I will manage the project until her return in June.

[4] The tentative date for the convener's conference is **12 June 2025 at 10:00 am**. Unless advised otherwise, the conference will be held online.

[5] To orient conference participants, I have attached a template Minute extending an invitation to attend this event. This Minute sets out the purpose of the conference and notes the information to be filed in advance. The contents of the Minute will be finalised once the EPA provides me with a copy of the Report on Treaty settlements and other objections (sections 18 and 49).

[6] In the meantime, if they have not already done so, the applicant and prospective participants named in the template are encouraged to engage on the application.

A handwritten signature in black ink, appearing to read "Jane". The signature is written in a cursive style with a large, sweeping initial "J" and the name "ane" following in a smaller, more compact script.

Jane Borthwick

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

Appendix 1: Template Minute regarding invitation to Convener's Conference

MINUTE OF THE PANEL CONVENER
Convener's Conference POTL Stella Passage Development (FTAA-2504-
1042)
(XXX 2025)

Purpose of conference

[1] A conference will be held on **[date] at 10 am**, a notice will shortly issue.

[2] The purpose of this conference is to gather participant views on matters arising under the Fast-track Approvals Act 2024 (FTAA). These views will inform two decisions I must make as panel convener regarding:

- (a) Appointment of panel members (FTAA, schedule 3).
- (b) The timing of the panel decision (FTAA, section 79).

[3] I note that the assessment of time for a decision must be made ahead of a panel being set up and acknowledge that the panel can set its own processes. Additionally, there may be persons not invited to this conference, invited by the panel to comment, who may have different views on process.¹ Your participation is essential to determining the time frame for the decision.² Not participating risks:

- (a) Insufficient time being allowed, impacting the quality of the decision-making and risking also not adequately engaging with the wider requirements of public law leaving the decision susceptible to appeal or review.
- (b) An overallocation of time which would not satisfy the procedural principles in section 10 of the Act.

¹ Persons commenting under s 53 may be requested to provide further report or information pursuant to s 67 and evidence pursuant to s 58.

² Assuming the default of 30 days does not apply. See s 79.

Participants at the panel convener's conference

[4] The following persons are invited to attend the conference:

- (a) The authorised person or applicant -
- (b) Relevant iwi authority and relevant Treaty settlement entities (see Schedule 3).³
- (c) Relevant administering agency -
- (d) Relevant local authority -
- (e) Representatives of any relevant chief executive -

Accessibility and recording of the panel convener's conference

[5] 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.

[6] The application documents can be viewed on the fast-track website here: <https://www.fasttrack.govt.nz/projects/stella-passage-development/substantive-application>

Schedules and Appendices

[7] To inform decisions on time frame and panel composition, all participants are to provide the information sought in Schedules 1 and 2 **attached**.

[8] Schedule 3 records the relevant iwi authority and Treaty settlement entities.

³ 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.

[9] Information from the EPA on cost recovery in the context of the convener's conference is attached as Appendix 1.

Cost recovery

[10] Information from EPA on cost recovery in the context of the convener's conference is attached as Appendix 1.

Preparation

[11] In the interests of taking all practical steps to use timely, efficient, consistent and cost-effective processes, I ask that participants take time to consider the range of matters set out in Schedule 1 and 2 to this minute and be prepared to discuss their views on those matters.

Direction

[12] The participants are to file a written response to the matters set out in Schedules 1 and 2 attached to this Minute. Responses are to be filed **3 working days** prior to the conference.

Jane Borthwick

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

Appendix 1: Information from EPA on cost recovery in the context of the convener's conference

Administered by the EPA, cost recovery is provided for under the Act and its Regulations. However, not all costs are recoverable from applicants. With respect to the convener's conference, only the actual and reasonable costs incurred in relation to panel conveners in performing or exercising their functions, duties, and powers under the Act in respect of an application will be recoverable under s 104(2)(b) of the Act.

Actual and reasonable costs for preparing and attending this conference can be cost recovered. Costs should be directly related, and proportionate, to the two decisions being made by the panel convener following the conference (on time frame and panel composition), noting that all Schedule 1 and 2 matters are designed to assist the convener in deciding these matters.

Reasonable preparation time may vary depending on the complexity and range of issues engaged. All actual time spent at the conference can be cost recovered.

Costs charged at the individual's usual charge out rate (or at a reasonable rate considering relevant experience, if there is no usual rate) will be considered reasonable.

The EPA does not recover costs incurred by other parties in consulting and providing assistance to a prospective applicant before the application is lodged.

Schedule 1 – Matters to consider when preparing for conference

Approvals

[1] The number and range of approvals sought.

Complexity

[2] The level of complexity will have a bearing on the appropriate frame for decision making and may include:

- (a) Legal Complexity: novel or difficult legal issues -
 - (i) involve untested law or interpretation of statute;
 - (ii) involve application for multiple approvals;
 - (iii) interface with two or more statutes; and
 - (iv) engage constitutional law and public law.
- (b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence -
 - (i) include challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and
 - (ii) often involve technical or scientific analysis.
- (c) Factual Complexity: arises from the volume and nature of evidence -
 - (i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and
 - (ii) necessitates analysis if technical, scientific, or highly specialised subject matter are involved.

Issues

[3] Issues identified by the applicant and other participants:

- (a) during consultation; and
- (b) any disputed fact or opinion, or legal issue, that is or is likely to be of consequence to the determination of the application.

Panel membership

[4] Consider:

- (a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3.⁴
- (b) whether there are factors that warrant the appointment of more than four panel members, such as:
 - (i) the circumstances unique to a particular district or region; or
 - (ii) the number of applications that have to be considered in that particular district or region; or
 - (iii) the nature and scale of the application under consideration; or
 - (iv) matters unique to any relevant iwi participation legislation.

Tikanga

[5] Iwi authorities and Treaty settlement entities are invited to advise:

- (a) whether tikanga is relevant to any aspect of the applications for approval.
- (b) how the panel might receive assistance on those matters.
- (c) the time required to adequately respond.

Procedural requirements

[6] Consider and prepare to indicate:

- (a) willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing).
- (b) likelihood of any form of hearing process being required and, if so,

⁴ FTAA, schedule 3, cl 3(7).

time that should be allowed for such process in the time frame allocated by the panel convener. Forms of hearing include:

- (i) Disputed fact or opinion or
- (ii) Selected topics or issues which the panel seeks clarification (whether disputed or not).
- (iii) Proposed conditions.
- (iv) Legal issues.

Anything else?

[7] Is there any other information needed to decide time frames or panel composition?

Schedule 2: Participants' estimated timeframe⁵

Task	Working days	Date
Panel commencement	N/A	XXX 2025 (nominal)
Invite comment from relevant parties	10 W/D later	XXX 2025
Comments close (ss 53 & 54)	20 W/D later	XXX 2025
Comments close for applicants (s 55)	5 W/D later	XXX 2025
Any other procedural step and evaluation	XXX W/D (say)	XXX 2025
Draft decision is to approve		
Draft conditions to participants (s 70)	XXX W/D (say)	XXX 2025
Participant comments on draft conditions (s70(2))	XXX W/D later	XXX 2025

⁵ Note: a draft decision to decline is not included in this timeframe. If the statutory timeframe it is insufficient, the applicant will need to apply to suspend the application under s 64 FTAA.

Applicant response to participants on conditions (s 70(4))	5 W/D later	XXX 2025
Draft decision to Ministers (s 72)	XXX W/D (say)	XXX 2025
Response from Ministers (s 72)	10 W/D later	XXX 2025
Applicant response to Ministers (allow)	W/D later (say)	XXX 2025 (approx.)
Evaluate	W/D later (say)	XXX 2025 (approx.)
Any other procedural step and evaluation.	W/D later (say)	XXX 2025 (approx.)
Decision release	W/D later (say)	XXX 2025

Schedule 3: relevant iwi authorities and relevant Treaty settlement entities