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| <b>IN THE MATTER</b><br><br><b>AND</b><br><br><b>IN THE MATTER</b> | of the Fast-track Approvals Act 2024 ( <b>FTAA</b> )<br><br>of an application for approvals under the<br>FTAA for the Stella Passage <b>Development</b><br><b>FTAA-2512-1163</b> |
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**MEMORANDUM ON BEHALF OF NGĀTI KUKU HAPŪ AND WHAREROA  
MARAE IN RESPONSE TO MINUTE 14 (DRAFT DECISION)**

24 August 2026

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**Tu Pono Legal Ltd**  
**Solicitor: Jason Pou**  
[REDACTED]

**Counsel: Rob Enright**  
[REDACTED]

## **MAY IT PLEASE THE PANEL**

- 1 The Panel has directed that parties file any comments on the draft conditions of consent under 70 FTAA by 24 August 2026.
- 2 The primary position of Ngāti Kuku hapū and the Trustees of Whareroa Marae is that the proposal should be declined, both in terms of jurisdiction and merits. As alternative relief, Ngāti Kuku hapū and Whareroa Marae requested substantial changes to the conditions, reflecting the recommendations set out in their independent expert evidence, as endorsed by their tangata whenua evidence.
- 3 In the draft decision, the Panel has decided to grant approval, and has rejected the proposed compensation and other conditions put forward by Ngāti Kuku hapū and Whareroa Marae. With respect, the Panel appears to have erred in law in making these findings.
- 4 Accordingly (and without prejudice to the submission of these parties to seek decline under ss7, 85(1)(b) and 85(3) FTAA), unless the Panel is willing to make wholesale changes to the conditions to reflect those recommended by Dr Richard Meade and Vanessa Wilkinson (which would require the Panel to *inter alia* adopt a different position on jurisdiction), then this is not a situation where Ngāti Kuku hapū and Whareroa Marae can assist the Panel to improve the intended conditions framework.
- 5 Counsel is available to address the Panel on this further, albeit this seems unlikely to be of assistance to the Panel given the statutory timeframes remaining.

- 6 Finally, Counsel have had the benefit of reviewing the intended Memorandum to be filed by Counsel for Ngā Tai ki Mauao in relation to Minute 14, and adopts in part those comments.<sup>1</sup>

Dated this 24<sup>th</sup> August 2026

**Rob Enright / Jason Pou**  
**Counsel for Ngāti Kuku hapū & Trustees of Whareroa Marae**

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<sup>1</sup> Paragraphs [2] and [5]-[16] of that submission are adopted. Jurisdictional matters have been addressed in earlier substantive memoranda filed by Ngāti Kuku and Whareroa Marae.