

BEFORE THE PANEL CONVENER 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 Project.

JOINT MEMORANDUM OF COUNSEL

DATED 4 MARCH 2026



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Introduction

1. This memorandum is filed on behalf Port of Tauranga Limited (**POTL**), the applicant for the listed Stella Passage Development Project (**Project**) and Bay of Plenty Regional Council (**BOPRC**), one of the relevant local authorities in relation to the substantive application for the Project.
2. This memorandum responds to the matters raised in the Panel Convener's first minute dated 2 March 2026, and addresses POTL's and BOPRC's positions in relation to the appointment of panel members to the expert panel and the timing of that panel's decision in anticipation of the conference on 5 March 2026.
3. Counsel for BOPRC will attend the conference with BOPRC's consents manager (Ella Tennent) and external planner (David Greaves). Richard Campion (Principal Planner) will attend on behalf of Tauranga City Council (TCC), the other relevant local authority. At the time of filing this memorandum, counsel have been unable to obtain the signature of Mr Campion to this memorandum, however it is understood that TCC also supports the position outlined in this memorandum. Mr Campion can confirm that tomorrow.
4. Counsel for POTL will attend the conference with POTL's GM – property and infrastructure (Dan Kneebone) and planner (Steve Tuck).
5. Where "Counsel" is referred to in this memorandum, this is reference to Counsel for POTL and BOPRC jointly, unless otherwise stated.

Parties' positions

6. This is POTL's second substantive application for the Project which follows judicial review of its first substantive application.

7. This is also the second Panel Convener conference held for the Project (albeit under separate substantive applications). Counsel had filed a joint memorandum dated 27 June 2025 (**First Memorandum**) outlining their positions on panel composition, application complexity, and decision timeframe.

Panel composition

8. Counsel confirm that the positions of their clients as to panel composition remain consistent with that set out in the First Memorandum.
9. For the avoidance of any doubt, counsel for BOPRC confirms that BOPRC remains satisfied with its nomination of Hugh Leersnyder to the panel.¹

Application complexity

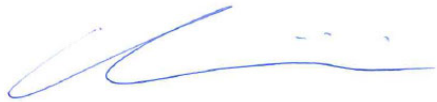
10. The parties confirm that the positions as to the application's legal, factual, and evidential complexity remain the same as that set out in the First Memorandum. The only outstanding issues are associated with the cultural effects of the Project.

Timeframe

11. During the conference for the first substantive application, POTL and BOPRC sought a decision timeframe of 40 working days post-receipt of third party comments.
12. In light of the timeframe established by the Panel Convener for that first substantive application, POTL's position (as referred to in the Panel Convener's first minute) is now that an 80 working day decision timeframe post-receipt of third party comments is appropriate in the circumstances.
13. Counsel for BOPRC confirms that BOPRC is supportive of this timeframe.

¹ cl 3(3), Sch 3, FTAA.

DATED at Tauranga this 4th day of March 2026.



Vanessa Hamm / Cory Lipinski
Counsel for Port of Tauranga Limited



Mary Hill
Counsel for Bay of Plenty Regional Council