
MINUTE 12 OF THE EXPERT PANEL

Stella Passage Development FTAA-2512-1163

29 July 2026

[1] The purpose of this Minute is to:

- (a) Express the Panel's thanks to Whareroa Marae for hosting the hearing on 27 – 29 July 2026 and for taking such good care of the Panel;
- (b) Record the receipt of an amended version of the evidence of Prof Simon Hales dated 21 July 2026 provided to the EPA by counsel for Ngāti Kuku Hapu and Whareroa Marae on 24 July 2026 and address the request in the memorandum of counsel for the Applicant in relation to the same on 28 July 2026;
- (c) Address the memorandum of counsel for Ngāti Kuku Hapu and Whareroa Marae dated 24 July seeking directions for further information in relation to the automated stacking cranes referenced in the Joint Witness Statements of the Landscape experts, and the letter from counsel for the Regional Council dated 25 July 2026 regarding that request;
- (d) Address the late comments received from Ngāti Hē Hapū Trust on 27 July 2026;
- (e) Set out the further information the Panel has directed the EPA to request following the conclusion of the hearing.

Professor Hales Updated Evidence

[2] Paragraph 11 of the 20 July 2026 Joint Witness Statement in relation to Air Quality and Public Health recorded that Professor Hales intended to make corrections to his original evidence (30 April 2026) to provide:

“• Clarification that all references to air pollution exposure based on differences in annual average levels by wind direction include all sources in the airshed, including the port and associated activities, industrial activity unrelated to the port, transport emissions and sea salt.

• Revision of his best estimate and addition of the range of mortality estimates attributable to all air pollution sources in Mount Maunganui, accounting for statistical uncertainty and the proportion of total mortality from natural causes in adults aged over 30.”

[3] On 24 July 2026 the EPA was provided with an updated version of Prof Hales’ evidence.

[4] On 28 July 2026 the Applicant requested an opportunity to respond, on the basis that the updated evidence “goes beyond the scope of the aforementioned corrections referred to in the JWS. In particular, new paragraph 74 of the Updated Evidence provides a criticism of Dr Lyn Denison’s methodology associated with her calculation of mortality estimates.”

[5] The Panel has reviewed the updated version of Prof Hales’ evidence and considers both paragraphs 73 and 74 go beyond the scope of the corrections foreshadowed in the JWS. On the basis that the Applicant has taken no issue with the provision of an updated version of evidence, the Panel has exercised its discretion to accept the updated version and requests the Applicant provide a response to paragraphs 73 and 74, within **one working day** of the Minute.

Automated Stacking Cranes

- [6] The Panel records that it does not require any further information or assessment in relation to the automated stacking cranes.

Ngāti Hē Hapū Trust

- [7] The Panel invited comment from Ngāti Hē Hapū Trust on 30 March 2026.
- [8] Comments were received on 27 July 2026, with no explanation for lateness.
- [9] The Panel has reflected on whether it should, at this late stage in the process, allow a late comment and has determined that it will not exercise its discretion to accept the late comment.

Further information

- [10] The Panel anticipates the Applicant will likely wish to provide updated sets of conditions once it has had a chance to reflect on the matters raised during the course of the hearing. The Panel is cognisant of the limited time available for those to be prepared within the time constraints of the FTAA and strongly encourages the Applicant to consider whether a s64 suspension of processing might enable actions to be taken that may assist with the rebuilding of trust and relationships during the preparation of the updated sets. The Panel therefore requests **within one working day** updated condition sets from the Applicant.
- [11] The Panel also requests **within two working days**:
- (a) If she is willing to provide it, the table referenced by **Te Rangimarie Williams** in her oral presentation to the Panel.

- (b) Any written / visual material that formed part of the presentation made by **Nessie Kuka** and **Pia Bennett** to the Regional Council on the mātauranga model.

A handwritten signature in blue ink, appearing to read 'Bronwyn Carruthers', is displayed within a light blue rectangular border.

Bronwyn Carruthers KC

Stella Passage Development Expert Panel Chair