

# Fast-Track Pre-Lodgement Consultation Discussion Document

**Purpose** - This document provides a summary of information from DOC following a pre-lodgement consultation request. This document initially facilitated discussion at a meeting with the applicant's project team 27/03/2025 and has been refined accordingly.

Note: Blue text added to document following that meeting.

## Project Details

<b>Project name:</b>	Port of Tauranga Limited Stella Passage Development
<b>Engagement type:</b>	Pre-lodgement Consultation Substantive Application – Schedule 2 Listed Project
<b>Applicant/agent:</b>	Port of Tauranga Limited / Luke Faithfull - Mitchell Daysh
<b>Proposal overview:</b>	<p>Stella Passage Development - In stages, extend the Sulphur Point wharf, including associated reclamation and dredging of the seabed.</p> <p>Deepening, by dredging, of approximately 10.55 ha of Stella Passage to a finished depth of approximately 16 m below Chart Datum (CD) (approximately mean low water spring tide). This would yield a volume of dredgings of approximately 1.5 million cubic metres (Mm3). This dredging will provide clearance for vessels to berth at the proposed wharf extensions.</p> <ul style="list-style-type: none"><li>• Reclamation of approximately 3.58 ha of the CMA either side of Stella Passage, to facilitate the wharf extensions. Approximately 1.81 ha is to be reclaimed on the Sulphur Point (western) side, and approximately 1.77 ha is to be reclaimed on the Mount Maunganui (eastern) side;</li><li>• Development of an approximately 385 m long extension to the south of the existing Sulphur Point wharves;</li><li>• Development of an approximately 315 m long extension to the south of the existing Mount Maunganui wharves;</li><li>• Development of new structures in the CMA, primarily wharf piles, mooring poles and jetties; and,</li><li>• Construction and use of additional cranes atop the proposed Sulphur Point wharf extensions for port operations (shipping container handling)</li></ul>
<b>Location:</b>	Tauranga Harbour at Sulphur Point and Mt Maunganui – Coastal Marine Environment and adjoining land



Department of  
Conservation  
*Te Papa Atawhai*

**Te Kāwanatanga  
o Aotearoa**  
New Zealand Government

<b>Date Pre-Lodgement Request Received:</b>	24/02/2025
<b>Pre-lodgement Documents Provided:</b>	<p><b>Stella Development- Fast-Track Application AEE - Draft for Consultation .pdf</b></p> <p><b>Stella Dev - Avifauna Assessment - FINAL DRAFT.pdf</b></p> <p><b>Stella Dev - Avifauna Mgmt Plan - Final Draft.pdf</b></p> <p><b>s11 Consultation Letter to DOC (POTL letterhead).docx (10929960v1).pdf</b></p> <p><b>Stella Passage Development Plan.pdf (10927770v1).pdf</b></p> <p><b>7339b Della Bennet - Wildlife Act Authority Application.docx (10838655v1) - 28.02.25 (10966638v2).pdf</b></p> <p><b>POTL _ Stella Passage - BOPRC Comments on Final Coastal Bird Assessment.pdf</b></p>
<b>Summary of pre-lodgement Consultation</b>	
<b>Fast track project lead DOC:</b>	Marie Payne – Senior Fast Track Consents Advisor (Conservation House, Wellington)
<b>DOC specialist input required:</b> <b>DOC meeting attendees identified in blue text.</b>	<p>Fast Track Project Lead <a href="#">Marie Payne (MP)</a></p> <p>RMA Planner</p> <p>Permissions Advisor(s) <a href="#">Clara Wilson</a></p> <p>Statutory Manager (Regional Office) <a href="#">Marion Nieuwland</a></p> <p>BHV Specialist – Little Penguin <a href="#">Dave Houston</a></p> <p>BHV Specialist – Avifauna <a href="#">Rhys Burns</a></p> <p>Senior Science Advisor/Technical Advisor – Marine Mammals/Avifauna</p>
<b>POTL meeting attendees:</b>	<p><a href="#">Luke Faithful (LF)</a>– Agent/Planner (Mitchell Daysh)</p> <p><a href="#">Della Bennet (DB)</a> –Project Ecologist (Wildlands Principal/Senior Ecologist)</p>
<b>DOC Permissions/ Approvals Identified by applicant in pre-lodgement request as potentially required:</b>	<p><b>Authority under Wildlife Act 1953</b></p> <p>For the handling, capture and relocation of Kororā/Little Penguin should it be required. The applicant has also identified disturbing nests.</p>

<p><b>DOC Commentary on Fast Track approvals and permissions identified:</b></p> <p><b>Note DOC's role in relation to specific</b></p>	<p><b>Wildlife Act Permissions</b></p> <p><b><u>Information requirements</u></b></p> <ul style="list-style-type: none"> <li>• DOC recommends that the actions identified (Schedule 7 Clause (2)(b)) to be carried out also relate specifically to the Wildlife approval sought e.g the Handling, Capture and relocation of Little Penguin. Further clarification provided in meeting and LF noted application can reflect this.</li> <li>• DOC recommends that cross references in relation to Schedule 7 information requirements are clearly identified in the application document so that information can be readily identified. DOC provided as an advisory point, LF acknowledged and noted it is intended a table will be added to application document to support ease of navigation.</li> </ul> <p><b><u>Effects and Mitigations</u></b></p> <ul style="list-style-type: none"> <li>• The survey age references for little penguin are dated, 2019 (5-6 years old). It is possible over this time that population numbers have changed, if this is the case then management plans and strategies need to reflect this. Ideally further surveys could be undertaken during a period where birds are likely to be landbound to ensure sufficient assessment of effects and mitigations (e.g. are enough replacement burrows being provided). DB advised pre-construction surveys with a dog will be undertaken to inform. Further new wall/nesting boxes will be in place, so penguins have opportunity to move over prior to dismantling rock wall. Further capacity (a couple of nesting boxes or/and further concrete pipes) could also be added in if more penguins are identified to be present than anticipated and report can be amended to reflect this.</li> <li>• It is noted that "Kororā/penguins may also nest under some of the logs and shipping containers" – DOC would anticipate the same monitoring and diligence to ensure the protection of Kororā in these areas, which should be demonstrated in the reports. DB advised this could be possible and that staff will be trained to identify penguins if present (considered low risk). DOC noted any additional capture, and handling could require a further wildlife approval.</li> <li>• One of the mitigations is "<i>Post-construction: kororā/penguin population will be surveyed twice during the first two breeding seasons after construction of the Mount Maunganui Wharves has been completed (October and December), to confirm whether kororā/penguins have taken up residence in any new wall structures (e.g. in the new purpose-built rock wall for red-billed gulls south of the dismantled wall, closer to the Tanker Berth)</i>" yet the purpose of this mitigation e.g. what will happen with the information is unclear. DOC recommends being provided with this information to inform outcomes and future management. DB advised data will be collected to inform annual reports and made available on their website and to interested parties (and that this is documented in application).</li> </ul>
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	<ul style="list-style-type: none"> <li>The dismantling of the rock walls should take place between April and June to minimise potential impact on kororā/penguin whilst they are breeding and moult. DB/LF further advised all work will be framed around making sure all penguins have finished breeding and moulting. DOC provided that a reasonable distance between active nest and continuing works (buffer size separation distance) used in previous project is 20m. LF advised this can be added in to application Little Penguin Management Plan.</li> <li>It is possible that the Kororā/penguins will not take up the new residence or that injury/death could occur during the project's construction in which case the effects will not be less than minor as currently stated.</li> </ul>
<b>Treaty Settlement implications/considerations:</b>	<p>In the time available, DOC has not carried out a process to identify Treaty settlement obligations specifically relevant to this site but notes for the applicant that this will form part of the section 18 report prepared by MFE.</p> <p>We encourage the applicant to engage directly with Iwi as required by section 29 of the Act.</p>
<b>Potential Resource Management Act (RMA) considerations and effects:</b>  <i>Note: DOC's role in relation to 53(2)(m)(i) FTAA</i>	<p>As pre-lodgement consultation was directed around the wildlife approval being sought very high-level RMA commentary has been provided. Some primary considerations for DOC would be:</p> <ul style="list-style-type: none"> <li>Consideration of the NZCPS – including a focus on Policy 11 which directs avoidance of effects on threatened and at-risk indigenous taxa, so understanding how this is achieved in relation to the species identified.</li> <li>Effects should be managed by clear and enforceable conditions – DOC has not been provided with all the proposed conditions so is unable to comment on this aspect. <ul style="list-style-type: none"> <li>DOC is interested in ensuring compliance and monitoring are provided for in conditions which seek to manage environmental/biodiversity effects.</li> </ul> </li> </ul>
<b>DOC Statutory Planning Document considerations in relation to site (e.g. CGP/CMS/CMP):</b>	<p>Bay of Plenty Conservation Management Strategy 1997</p> <p><a href="https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/statutory-plan-publications/conservation-management-strategies/bay-of-plenty/">https://www.doc.govt.nz/about-us/our-policies-and-plans/statutory-plans/statutory-plan-publications/conservation-management-strategies/bay-of-plenty/</a></p> <p>The alignment of the proposed project's impacts on wildlife with statutory planning documents should be considered as part of the overall assessment. Noting the site is not Public Conservation Land (PCL) DOC's comments relate to impacts on Wildlife which are not limited to PCL.</p>
<b>Any further information/considerations:</b>	<p><u>Potential issues to consider</u></p> <p>DB noted application for Wildlife Authority only relates to kororā. MP noted discussions about this with LF as below, and that as DOC were provided with</p>

further information (e.g. broader ecological and avifauna reports) we have also reviewed their reports and provided commentary below. This is because these issues may inform DOC's future commentary outside of the wildlife approval sought e.g. comments from the Director-General on the RMA approval.

#### Other Avifauna

- The applicant has only identified a single Wildlife Approval for the handling, capture and relocation of kororā stating that the red-billed gulls will be encouraged to relocate of their own accord.
- Whilst self-relocation is possible, DOC considers that there is a possibility of red-billed gull being harmed during the project, acknowledging significant disturbance is likely due to the proposed multi-year construction/dredging program.
- If the strategy to encourage relocation is not successful, the applicant may require another wildlife authority to relocate red-billed gulls outside of the fast-track process. DOC would recommend that the applicant has a further plan to ensure there is protective benefit to wildlife in case that occurs. DOC would recommend that there should also be monitoring of the sandpile site, as the establishment of a new red-billed gull breeding colony may affect other birds' use of the sandpile (which DOC would anticipate as requiring mitigation/remedy). [DB/LF advised that the current environment is a working port which should be considered by DOC when assessing effects.](#) The applicant is confident in this strategy, clarifying existing area at the moment is 200m and new rock wall is the same size 200m. Also, advised that Red Billed Gulls can also utilise sand pile/roofs. If any further approvals/considerations required it will be identified through process and authorities would need to be applied for through non-fast track processes.
- Consideration should also be given to a scenario where red-billed gulls move their colony elsewhere that would impact the project/present issues or do not form a breeding colony at all. [DB advised Red Billed Gulls and Kororā will share wall as they are currently doing \(100 m to 200 m away\) and that there is existing site fidelity with these species.](#)
- There is a possibility that White-Fronted Terns/nests may be disturbed, as they nest near the area which will be disturbed. Again, the applicant would require further wildlife authority to disturb or relocate white-fronted tern outside of the fast-track process. [DB advised most of the works will take place outside of the Red Billed Gulls/ White-Fronted Terns nesting period, if a nest was already commenced, there would have to be a setback from that. But works should start before any nesting. LF noted report can be updated to provide clarification.](#)
- Reef Heron is likely to use the shallow waters next to the sand pile. It may become less suitable habitat when the passage is dredged – an assessment of this should be made to understand potential effects and subsequently appropriate mitigations, alongside long-term monitoring. [DB advised no Reef Herons sighted here.](#)
- Caspian terns use the area the most by roosting on the sand pile.

	<ul style="list-style-type: none"> <li>• DOC would consider that an assessment of effects that concludes the effects on birds is 'less than minor' may be an under representation of actual and potential effects – e.g. potential significant loss of habitat depending on future management of the sandpile / disestablishment of a red-billed gull colony – if the birds do not relocate</li> </ul> <p><b>Avifauna Management Plan - observations</b></p> <ul style="list-style-type: none"> <li>• Monitoring activities would typically document the qualifications and experience of those undertaking the work (this is not present). <i>LF /DB - Document can be updated to reflect the qualifications of staff.</i></li> <li>• Table A1-2 in AMP doesn't relate monitoring to the size and activities of the sandpile at time of survey. <i>–DB advised size of sandpile has remained the same since surveys have been undertaken.</i></li> <li>• Monitoring by OSNZ is stated as occurring since 1994, but Table A1-1 only shows data from 2008-2021. It should also state the month that the monitoring (both winter and summer) occurs. <i>DB advised this information can be added in to table to clarify.</i></li> </ul> <p><b>Sandpile</b></p> <ul style="list-style-type: none"> <li>• DOC acknowledges that the sandpile has high ecological value as a crucial all-weather roosting habitat for many threatened fauna. To support that these biodiversity values are protected responsibly in line with this proposal DOC advises further information around the below considerations are present in the application: <ul style="list-style-type: none"> <li>○ Further detail about the historic size confirmed via data context (e.g. m<sup>2</sup>) of the sand pile and its reduction over time to contextualise the effects (including cumulative) and proposed mitigations.</li> <li>○ The management plan for the sand pile needs to ensure it adequately balances any activity (storage/extraction) with the protection of threatened fauna and their habitat. DOC would anticipate that a management plan for the sand pile should address: <ul style="list-style-type: none"> <li>▪ The feasibility of the multi-purpose use e.g. habitat and activity.</li> <li>▪ Plans that demonstrate that there remains an undisturbed minimum (or increased) area so that all threatened fauna needing to use this site for roosting are able to do.</li> <li>▪ DOC would recommend detailing monitoring actions (for management plan and consent conditions) and robust monitoring of the threatened fauna using the site over time. DOC would anticipate that a suitably qualified independent ecologist monitors the birds and provides the results to DOC as an annual report.</li> <li>▪ Unable to identify in the document when sand currently may be removed from sandpile – DOC</li> </ul> </li> </ul> </li> </ul>
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	<p>would anticipate this would only be during the non-breeding season.</p> <ul style="list-style-type: none"> <li>▪ Given the broader environmental/biodiversity effects exploration of an alternative site for pumping/storage to the sandpile and future needs for beach sand replenishment.</li> <li>▪ Identification of proposed animal and plant pest control as part of the sandpile management.</li> <li>▪ The impact on other birds using the sandpile if red billed gulls do relocate – e.g. spatially is there enough room/mitigation to facilitate additional wildlife that would now be using the sandpile (monitoring would be required).</li> </ul> <p>Comments from POTL Team included that:</p> <ul style="list-style-type: none"> <li>▪ footprint of sandpile to maintain habitat of 5000m<sup>2</sup></li> <li>▪ dredged sand not allocated to sandpile/used for reclamations/shipped offshore or consented landfill</li> <li>▪ changes to sandpile not forming part of the application.</li> </ul> <p><b><u>Assessment of lighting</u></b></p> <ul style="list-style-type: none"> <li>• Part 5.3 of AEE and Section 4 of AMP. Lighting would need to be considered as part of AMP for sandpile and red-billed gull colony. Lighting may also have effects on seabirds out at sea not usually found at the site but attracted to the site by the lights. Any data on seabirds attracted to the POTL area (especially injured or killed) should be reported to DOC to assist in recovery and continued management.</li> <li>• Currently it seems that there is some uncertainty as to what is going to happen, and this should be clarified – e.g. DOC anticipates that all lights should be shielded as recommended in Section 5.3.6 of the AEE. DB clarified that birds currently under lighting of the port and not aware of any birds being pulled into the port/would advise DOC if this was happening. DB advised that she has made recommendation that this is made for all lights, and that as much blue light is taken out as much as possible (noting that blue light helps keep staff awake at night)/having as little light as needed. This will be rolled out over time as lights replaced etc. DB further advised that there's no way to control the lights on ships coming in. LF commented management plan to be certified by conditions.</li> </ul> <p><b><u>Marine Mammals</u></b></p> <ul style="list-style-type: none"> <li>• DOC was not provided with a copy of the Marine Mammals Management Plan (and or Appendices 3/F) as part of pre-lodgement consultation.</li> <li>• Based on the information provided the assessment of effects on marine mammals appears well considered and recognises the most likely concern being effects of noise from pile driving. There is the</li> </ul>
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	<p>added potential for entrapment of animals from behavioural responses to noise in the harbour area beyond Stella Passage.</p> <ul style="list-style-type: none"> <li>• Without access to the Marine Mammal Management Plan, it is unclear that these issues have been fully considered, and appropriate mitigation committed to.</li> <li>• The marine mammals plan provided to support the application needs to be adequate and sufficiently address the management of actual and potential adverse effects on marine mammals.</li> <li>• There are a range of species that are recorded within the AOI but are not listed, including a number of different beaked whale species.</li> <li>• If it is identified that the applicant requires a Marine Mammals Permit in relation to the activities being proposed – this would need to be applied for outside of the fast-track process.</li> <li>• Effects would be more significant if an animal moved into the area of operation – however as noted in the AEE mitigations such as marine mammal observers and shut down procedures should minimise effects.</li> </ul> <p>LF commented that Marine Mammals Management Plan can be provided to DOC ahead of lodgement MP noted commentary on this will not be reflected in pre-lodgement consultation due to likely time constraints on receiving this information.</p>
<p><b>Additional Notes:</b></p>	<p>While DOC will assist applicants as much as we can when they engage in pre-lodgement consultation, it is the applicants' responsibility to comply with the FTAA and to ensure they have applied for all permissions they need.</p> <p>Note that a panel will invite the statutory bodies listed in clause 4 of Schedule 7 to comment on the application (NZCA, conservation boards, Fish and Game Council, and Game Animal Council). We encourage applicants to engage with these bodies in advance of filing a substantive application.</p>