

Memorandum on Completeness and Scope

File	FTAA-2504-1042
Application	POTL - Stella Passage Development
To	Ben Bond, Team Leader LOA
From	[REDACTED] Application Lead
Date	08 May 2025
Subject	Assessment whether the application complies with section 46(2) of the Fast-track Approvals Act 2024

Purpose

1. The purpose of this memo is to assist you in making your decision on whether the POTL - Stella Passage Development application, received by the Fast-track Team on 14 April 2025 lodged by Port of Tauranga Limited complies with the requirements of section 46(2) of the Fast-track Approvals Act 2024 (**the Act**).

Decision-maker

2. You have delegated authority to make the decision under section 46 of the Act under the instrument of delegation dated 5 February 2025.

Conflict of interest

3. I confirm that I do not have any conflict of interest in this matter that would prevent me making this assessment.

The application

4. For projects listed in Schedule 2 of the Act and referred projects, authorised persons may lodge a substantive application for approvals available under the Act.
5. POTL - Stella Passage Development is a listed project.
6. The EPA received the substantive application for POTL - Stella Passage Development on 14 April 2025 by Port of Tauranga Limited. The EPA must, in consultation with the relevant

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administering agencies and relevant consent authorities, decide whether this substantive application complies with section 46 of the Act by 8 May 2025.

7. As set out in more detail below, the EPA must decide whether the application is complete and either:
 - provide the application to the Panel Convener for consideration and decision by the expert consenting panel (if complete and within scope); or
 - return it to the person who lodged it (if incomplete and not within scope).

Project

8. The project is described in Schedule 2 of the Act as: *“In stages, extend the Sulphur Point wharf, including associated reclamation and dredging of the seabed.”*
9. The project is described in the application as:
 - a. 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.
 - b. Maintenance dredging, on an as needed basis, to maintain an operational depth of 16 m below CD within sitting basins and the shipping channel of Stella Passage.
 - c. Reclamation of approximately 3.58 ha of the coastal marine area (“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;
 - d. Development of an approximately 385 m long extension to the south of the existing Sulphur Point wharves;
 - e. Development of an approximately 315 m long extension to the south of the existing Mount Maunganui wharves;
 - f. Development of new structures in the CMA, primarily wharf piles, mooring poles and jetties; and,
 - g. Construction and use of additional cranes atop the proposed Sulphur Point wharf extensions for port operations (shipping container handling).

Scope Assessment

10. The applicant has acknowledged in their application that the inclusion of cranes is a difference between the substantive application and the project as described in Schedule 2 of the Act. It is my view that the differences between the application and project as described goes beyond simply the inclusion of the cranes. In my view, the applicant has described the project as involving the following activities which are **not** in the project description in Schedule 2:

- a. The development of new structures such as wharf piles, mooring poles and jetties
- b. The construction and use of additional cranes on the proposed Sulphur Point wharf extensions
- c. The extension of the Mount Maunganui wharf and reclamation activities specific to that extension

11. 'Project' is defined in section 4 of the Act as:

(a) means —

*(i) in relation to a listed project, the project **as described in [Schedule 2](#)**:*

(ii) in relation to an unlisted project,—

(A) the project as described in the referral application for the project or, if the referral application is yet to be lodged, as it will be described in the application; or

(B) if the project has been referred, the project as described in the notice under [section 28](#); and

*(b) includes any activity that is **involved in**, or that **supports and is subsidiary** to, a project referred to in paragraph (a)*

Activities that support and are subsidiary to the project

12. Noting that paragraph (b) includes activities that support and are subsidiary to the project as described in Schedule 2 in the definition of "project", my assessment is that some of the proposed 'new structures' support and are subsidiary to the project as described in Schedule 2 (which refers to Sulphur Point), in that wharf piles and mooring poles are necessary to either construct the proposed wharf extensions, or allow vessels to berth at the new extensions.¹ However, some of these new structures are proposed solely as part of the Mount Maunganui Wharf extension, therefore whether they are within scope depends on whether the Mount Maunganui wharf extension is itself within scope. This is discussed below.
13. In terms of the construction and use of additional cranes, the applicant has identified in the application form that these activities are not described in Schedule 2.²
14. Rationale for the inclusion of the cranes in the project is provided in the application.³ In summary, the new cranes are required to move shipping containers to and from ships that will be berthed at the proposed extension to the Sulphur Point wharf. Although the applicant is correct that the cranes are not mentioned in the Schedule 2 description, it is my assessment that they can be considered to support and be subsidiary to the project, as they are necessary to exercise the business activities that the wharf extension seeks to facilitate.

¹ Section 4.6, page 123 of [03 – FTA Substantive Application](#)

² Page 19 of the [Application Form](#)

³ Section 4.9, page 138 of [03 – FTA Substantive Application](#)

Mount Maunganui Wharf extension vs Sulphur Point extension

15. The matter of the extension to the Mount Maunganui Wharf is much less straightforward in that the activities involved make up a significant portion of the overall project, and therefore cannot be seen as simply supporting, or being subsidiary to the project as described in Schedule 2.
16. The Sulphur Point and Mount Maunganui wharves are on opposite sides of Stella Passage and used for different purposes, in that the former is largely a container terminal, and the latter is used for cruise ships, log freighters, and storing logs.⁴ These differences suggest that the two wharves are separate and distinct in terms of the operations undertaken there, which does not support the Mount Maunganui Wharf extension being seen as 'involved' in the project.
17. Conversely, the applicant has provided rationale for the project which specifies that "*as the Port's existing operations are constrained at **both** wharves, the key driver for the Project is to address these constraints.*"⁵ In assessing the project's consistency with the purpose of the Act, the applicant has consistently referenced the Port and the development of Stella Passage as a whole (i.e. both wharves). Although each wharf has a different purpose on an operational level, my view is that the applicant has demonstrated that they both serve to facilitate shipping on a regional and national level as an interconnected activity.

History of inclusion of Mount Maunganui Wharf extension in project

18. Although the Mount Maunganui Wharf extension is not mentioned in the description in Schedule 2, it is clear from the application that the Mount Maunganui extension is a key component of the project.⁶ The applicant has previously applied to consent the project through multiple pathways, and a history of the various iterations of the project is summarised in the application.⁷ The Mount Maunganui Wharf extension is documented throughout that history.
19. Additionally, as specified later in the application, the project retains changes made during the Environment Court process, including changes specific to the Mount Maunganui Wharf extension.⁸

Other information provided in Schedule 2

20. Schedule 2 also provides other information about the project, including the project name and approximate geographical location. The name of the project is '*Stella Passage Development*' rather than 'Sulphur Point Wharf extension' which supports the argument that the project has always applied to the entirety of the port activities on either side of the Passage, rather than solely the Sulphur Point wharf.
21. Additionally, the location of the project is described in Schedule 2 as "*8.5 hectares of the coastal marine area within Tauranga Harbour at Sulphur Point **and Mount Maunganui.***" Stella

⁴ Section 1.2.1, page 4, and section 1.2.2, page 8 of [03 – FTA Substantive Application](#)

⁵ Section 1.4, page 16 of [03 – FTA Substantive Application](#)

⁶ Section 1.3, page 12 of [03 – FTA Substantive Application](#)

⁷ Section 1.7, page 24-27 of [03 – FTA Substantive Application](#)

⁸ Section 6.4.3.4, page 175 of [03 – FTA Substantive Application](#)

Passage divides the Port with Sulphur Point on one side, and Mount Maunganui on the other. There would be no need to specifically mention Mount Maunganui in the location description unless the project was seen as involving work on both sides of Stella Passage, i.e. at both wharves.

Conclusion

22. The issue of scope for this application is very finely balanced. Differences between what is described in Schedule 2 and what is proposed by the applicant do, on the surface, pose obvious issues with scope, however further investigation does create argument for the project being within scope.
23. While it is my view that the Mount Maunganui Wharf extension and associated activities cannot be seen as supporting and being subsidiary to the project as described in Schedule 2, from the documented history of the project, the applicant's rationale for how the project meets the purposes of the Act (paragraph 17), and the other information specified in Schedule 2, it is my assessment that it is an activity that is **involved** in the project, and therefore in scope.

Fast-track consenting application process

Legislative context

24. The EPA must decide whether the substantive application complies with section 46(2) of the Act. A substantive application complies with section 46(2) of the Act, if the application:
 - complies with sections 42, 43 and 44;
 - relates solely to a listed project or a referred project;
 - the EPA considers that, on the face of the application, the project does not appear to involve an ineligible activity; and
 - any fee, charge, or levy payable under the Fast-track Approvals (Cost Recovery) Regulations 2025 (the Regulations) in respect of the application is paid.

Section 42 Requirements

25. Section 42 of the Act states that an authorised person may lodge a substantive application for one project or substantive applications for each stage of a project. Section 42(4) lists the approvals that may be sought under the Act.

Section 43 Requirements

26. Section 43 of the Act sets out the requirements for a substantive application. A substantive application must be lodged in the form and manner approved by the EPA and must include the information listed in this section. Assessment of section 43 requirements is included at Appendix 1.

Section 44 Requirements

27. Section 44 of the Act requires that the information provided by the applicant under section 43 must be specified in sufficient detail to satisfy the purpose for which it is required. Assessment of section 44 sufficiency is included at Appendix 1.
28. In assessing the sufficiency of information provided by the applicant, we rely on the information provided to us through consultation with each relevant administering agency and consent authority, as summarised in Appendix 2.
29. As set out in more detail in Appendix 2, the agencies consulted have advised that the information required by section 44 is provided in **sufficient** detail to satisfy the purpose for which it is required.

Ineligibility

30. The EPA needs to decide whether it considers that, on the face of the application, the project does not appear to involve an ineligible activity, as defined in section 5 of the Act. As the EPA has to consider this on the face of the application, the EPA is only able to consider information contained in the application materials.
31. The list of ineligible projects includes activities:
 - on land returned under a Treaty settlement, on identified Māori Land, on Māori customary land, on land set apart as Māori reservation, or in a customary marine title or protected customary rights area without written permission from the rights holder;
 - on Māori customary land, or land set apart as Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993;
 - in a customary marine or protected customary rights area without written agreement from the rights holder/group;
 - within an aquaculture settlement area without the required authorisation;
 - activities that would be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the RMA (which deal with occupation of space in the common marine and coastal area); or
 - that require permissions on national reserves held under the Reserves Act 1977 ; or
 - on land listed under clauses 1 to 11 or 14 of Schedule 4 of the Crown Minerals Act 1991 (and clauses 12 and 13 for mining activities).’
32. For the reasons set out in Checklist J, I consider that, on the face of the application, the project does not appear to involve an ineligible activity.

Fees and levies

33. The EPA has received all fees, charges and levies payable by the applicant under the Regulations for the substantive application as follows:
 - Application fee in the sum of \$250,000 plus GST;
 - Levy in the sum of \$140,000 plus GST

Consultation

34. We have consulted with and considered consultation responses from the following relevant administering agencies and relevant consent authorities:
- with Bay of Plenty Regional Council, Tauranga City Council, and the Ministry for the Environment for an approval described in section 42(4)(a) (resource consent)
 - with the Department of Conservation for:
 - i. an approval described in section 42(4)(h) (Wildlife Act wildlife approval)
35. A summary of the consultation is included at Appendix 2.

Assessment of compliance for each section of each application form

36. We have assessed the application materials against the relevant checklists in the prescribed application form. Each assessment is contained within the appropriate approval checklist. These are included in Appendix 1 for ease of reference.
37. My view is that the application does comply with section 46 and the EPA may now notify the applicant of its decision.
38. The EPA must now decide whether the substantive application has a competing application under section 47(3) (under delegation from the Minister for Infrastructure under section 47(10)) within 10 working days from the date of the completeness decision.
39. Once the EPA has made the decision under section 47(3), the EPA can provide the application to the panel convener to commence consideration and decision of the application by the panel.

Appendix 1: Assessment of section 44 sufficiency

This application seeks the following approval(s) under the Act:

Checklist A - Resource consent, change to or cancellation of a resource consent.

Checklist A1 – Subdivision or reclamation.

Checklist E - Wildlife approval.

Checklist J - Listed project information requirements.

CHECKLIST A – Resource consent, change to or cancellation of a resource consent

Clause, Schedule 5	Information required for an approval described in section 42(4)(a) (resource consent) and/or section 42(4)(b) (change or cancellation of resource consent), Clauses 5-8 of Schedule 5	Application Reference (Name of document, section and page)	EPA office use only – EPA comments on completeness
5(1)(a)	A description of the proposed activity	Substantive Application Report - Clause 5(1)(a): Sections 1.3 (p12) and 4 (p92) Clause 5(1)(b): Section 1.2 (p3) and 3.1 (p45)	Yes See pages 12 to 21 – 03 – FTA Substantive Application More detail provided in section 4, starting page 93.
5(1)(b)	A description and map of the site at which the activity is to occur, including whether the site is within or adjacent to— (i) a statutory area (as defined in the relevant Treaty settlement Act); or (ii) ngā rohe moana o ngā hapū o Ngāti Porou (as defined in section 11 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019); or (iii) a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011	Substantive Application Report - Clause 5(1)(a): Sections 1.3 (p12) and 4 (p92) Clause 5(1)(b): Section 1.2 (p3) and 3.1 (p45)	Yes See page 3, 4, and 15 - 03 – FTA Substantive Application i. Addressed in Section 3.6.3, page 65 ii. Stated as not relevant on page 38 iii. Stated as not relevant on page 38 of the AEE as no customary rights apply to the project footprint Appendix 29

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5(1)(c)	Confirmation that the consent application complies with section 46(2)(a), (b), and (d); being: • section 42; and • sections 43 and 44; and • relates solely to a listed project or a referred project; and • any fee, charge, or levy payable under regulations in respect of the application is paid. <i>Guidance note: Section 46 provides for the EPA to decide whether the substantive application is complete and within scope. The EPA will need to be satisfied that the application complies with these requirements. These matters are addressed throughout the substantive application form and relevant checklist.</i>	Substantive Application Report - Section 2.1.2 (p31)	On balance, yes - see analysis above at paragraphs 10-23. See pages 31 to 37 - 03 – FTA Substantive Application
5(1)(d) and 5(6)	The full name and address of— (i) each owner of the site and of land adjacent to the site; and (ii) each occupier of the site and of land adjacent to the site whom the applicant is unable to identify after reasonable inquiry; If the applicant is not able to supply the name and address of the owner and each occupier of the site and of land adjacent to the site because the land is Māori land in multiple ownership, the applicant must include a statement to that effect (clause 5(6)).	Substantive Application Report - Sections 1.1 (p2) and 2.2.1 (p38).	Yes The applicant has stated on page 38 of 03 – FTA Substantive Application that they own and occupy the land adjacent to the project. Maps and records of title regarding these land parcels is provided in Appendix 12
5(1)(e)	A description of any other activities that are part of the proposal to which the consent application relates	Substantive Application Report - Sections 2.2.1 (p38) and 4 (p92)	Yes Page 38 of 03 – FTA Substantive Application and section 5 pages 139 - 156

5(1)(f)	A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the project to which the consent application relates	Substantive Application Report - Sections 2.2.1 (p38) and 4.6.9 (p131)	Yes See section 4.6.9, pages 131- 132 of 03 – FTA Substantive Application
5(1)(g)	An assessment of the activity against sections 5, 6 and 7 of the Resource Management Act 1991	Substantive Application Report - Sections 2.2.1 (p38), 10.4.1 (p249), 10.4.2 (p250) and 10.4.3 (p253)	Yes See section 10.4, pages 249 to 255 of 03 – FTA Substantive Application
5(1)(h) (and also Clauses 5(2) and 5(3))	An assessment of the activity against any relevant provisions in any of the following documents: • a national environmental standard: • other regulations made under the Resource Management Act 1991: • a national policy statement: • a New Zealand coastal policy statement: • a regional policy statement or proposed regional policy statement: • a plan or proposed plan: • a planning document recognised by a relevant iwi authority and lodged with a local authority. This assessment must include an assessment of the activity against the requirements set out in clause 5(3) of Schedule 5 being: • any relevant objectives, policies or rules in the documents listed; and • any requirement, condition, or permission in any rules in any of those documents; and • any other requirements in any of those documents	Substantive Application Report - Sections 2.2.1 (p38) and 10.6 (p255)	Yes National Environmental Standards for Air Quality 2004 – page 257-258 03 – FTA Substantive Application The applicant has identified on page 258 that no other regulations are applicable. National Policy Statement for Indigenous Biodiversity 2023 – page 258-259 New Zealand Coastal Policy Statement 2010 - page 259-266 Bay of Plenty Regional Policy Statement – page 266-271 Bay of Plenty Regional Coastal Environment Plan – page 271-278 Tauranga City Plan – page 278-279 Iwi and Hapū Management Plans – page 279-287 Bay of Plenty Conservation Management Strategies – page 287-289

5(1)(i)	Information about any Treaty settlements that apply in the area covered by the consent application, including— (i) identification of the relevant provisions in those Treaty settlements; and (ii) a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area	Substantive Application Report - Sections 2.2.1 (p39) and 9 (246). Appendix 28 Treaty of Waitangi - Treaty Settlement Summaries	Yes See section 9, page 246 - 03 – FTA Substantive Application and Appendix 28
5(1)(j)	A list of any relevant customary marine title groups, protected customary rights groups, ngā hapū o Ngāti Porou (where an application is within, adjacent to or directly affecting ngā rohe moana o ngā hapū o Ngāti Porou), or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011;	Substantive Application Report - Sections 2.2.1(p39) and 8.2 (p238)	Yes The footnote on page 252 of 03 – FTA Substantive Application states that “No orders or agreements relating to protected customary rights are present in or around the Project site” A list of customary marine title applicants is provided on page 17 of Appendix 18. The project is not within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou. See also Appendix 28.
5(1)(k)	The conditions that the applicant proposes for the resource consent.	Substantive Application Report - Sections 2.2.1 (p39) and 7 (p216). Appendix 5 - Proposed Consent Conditions - Regional Dredging Conditions Appendix 5 - Proposed Consent Conditions - Regional Structures Conditions Appendix 5a - Proposed Consent Conditions - District (land use	Yes Provided in Appendix 5 and 5a

		consent)	
5(1)(l)	if a notice under section 30(3)(b) or (5) has been received,— (i) a copy of that notice showing that it was received within the time frame specified in section 30(6)(b); and (ii) if a notice has been received under section 30(5), any more up-to-date information that the applicant is aware of about the existing resource consent referred to in the notice.	Substantive Application Report - Section 2.2.1 (p39) Appendix 9 - BOPRC Letter - POTL Stella DEV - s30 Letter Appendix 10 - TCC Letter - POTL Stella Dev - s30 letter and table of existing consents	Yes Provided in Appendix 9 and 10. The application was lodged within three months of both notices.
5(4)(a)	An assessment of the activity's effects on the environment that includes the information required by clause 6. <i>Guidance note: See rows below for requirements in clause 6.</i>	Substantive Application Report - Sections 6 (p157), 7 (p216) and 8 (p234)	See below.
5(4)(b)	An assessment of the activity's effects on the environment that covers the matters specified in clause 7. <i>Guidance note: See rows below for requirements in clause 7.</i>	Substantive Application Report - Sections 4 (p92) and 6 (p157)	See below.
6	(1) The assessment of an activity's effects on the environment must include the following information: (a) an assessment of the actual or potential effects on the environment: (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use: (c) if the activity includes the discharge of any contaminant, a description of—	Substantive Application Report - Sections 3.8 (p66), 6 (p157), 7 (p216) and 8 (p234)	Yes a. Assessed on page 158-215 of 03 – FTA Substantive Application. Effects are further outlined in Appendices, such as the Ecological environment effects assessed on page 45-53 of Appendix 14 b. The applicant has stated on page 41 of the Application that no hazardous installations are proposed. c. Description provided on page 195-197 of 03 – FTA Substantive Application. Different dredging methods are detailed on page 109-116. The applicant has stated on page 41 that alternative methods are “<i>Not relevant as Project-related discharges are related to construction, reclamation</i>”

	(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and (ii) any possible alternative methods of discharge, including discharge into any other receiving environment: (d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity: (e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal: (f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision: (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved: (h) an assessment of any effects of the activity on the exercise of a protected customary right. <i>Guidance note: Clause 6(2) provides that a consent application need not include any additional information specified in a relevant policy statement or plan that would be required in an assessment of environmental effects under clause 6(2) or 7(2) of Schedule 4 of the Resource Management Act.</i>		<i>and dredging activities all of which are temporary in nature and locationally constrained to the CMA.”</i> d. Detailed throughout pages 171-233 of 03 – FTA Substantive Application. e. Provided on page 234-245 of 03 – FTA Substantive Application. f. Page 243-244 of 03 – FTA Substantive Application. g. Section 7, page 216-233 of 03 – FTA Substantive Application. See also Appendix 5. h. The applicant has advised on page 42 of 03 – FTA Substantive Application that “<i>There are no protected customary rights within the Project footprint</i>”
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7	The assessment of an activity's effects on the environment must cover the following matters: (a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects: (b) any physical effect on the locality, including landscape and visual effects: (c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity: (d) any effect on natural and physical resources that have aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations: (e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants: (f) any unreasonable emission of noise: (g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.	Substantive Application Report - Sections 4.4 (p109), 4.5 (p116), 6 (p157) and 7 (p216)	Yes a. Section 6.3, 6.4, 6.5, 6.13 and 6.14 of 03 – FTA Substantive Application b. Section 6.11 c. Section 6.6, 6.7 and 6.8. d. Section 6.5 (cultural and spiritual values) e. Page 195-197. Different dredging methods and description of overflow are detailed on page 109-116. f. Section 6.12 g. Section 10.6.6.6. Section 6.14. The applicant has stated on page 41 of the Application that no hazardous installations are proposed.
5(5)(a)	If a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the Resource Management Act 1991)	Substantive Application Report - Sections 5.1.3.1 (p141) and 5.1.4.1 (p148)	Yes Descriptions provided in: Table 18, section 5.1.3.1, pages 142-147 Table 19 section 5.1.4.1 page 148-152

5(5)(b)	If the activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document	Not relevant – there are no protected customary marine rights or titles over the Project area or / and the Project is not within the scope of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019	N/A The applicant has advised on page 42 of 03 – FTA Substantive Application that “<i>There are no protected customary rights within the Project footprint</i>” Page 34 – “<i>Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is not relevant to the Project</i>”
5(5)(c)	If the activity is to occur in an area that is taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996, an assessment of the effects of the activity on the use or management of the area.	N/A	N/A

CHECKLIST A1 – Subdivision or reclamation resource consent

Clause, Schedule 5	Information required for an application for a subdivision consent or a reclamation consent (in addition to the information required in Checklist A)	Application Reference (Name of document, section and page)	EPA Office use only – EPA comments on completeness
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If this application is for a subdivision consent, please adequately define the matters set out in clause 8(1) below.

8(1)(a)	The position of all new boundaries	N/A	N/A
8(1)(b)	The areas of all new allotments, unless the subdivision involves a cross lease or company lease or unit plan	N/A	N/A
8(1)(c)	The locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips	N/A	N/A
8(1)(d)	The locations and areas of existing esplanade reserves, esplanade strips, and access strips	N/A	N/A
8(1)(e)	The locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A of the Resource Management Act 1991	N/A	N/A
8(1)(f)	The locations and areas of any land within the coastal marine area that is to become part of the common marine and coastal area under section 237A of the Resource Management Act 1991	N/A	N/A
8(1)(g)	The locations and areas of land to be set aside as new roads	N/A	N/A

If this application is for a reclamation consent, please include the information to show the area to be reclaimed set out in clause 8(2) below.

8(2)(a)	The location of the area to be reclaimed	Appendix 29 - Proposed Project Plans & shut down zones Drawing No. 320-64-1 Rev.A	Yes See Appendix 29
8(2)(b)	If practicable, the position of all new boundaries	N/A	N/A
8(2)(c)	Any part of the reclaimed area to be set aside as an esplanade reserve or esplanade strip	N/A	N/A

CHECKLIST E – Wildlife approval

Clause, Schedule 7	Information required for an approval described in section 42(4)(h) (Wildlife Act approval), clause 2 of Schedule 7	Application Reference (Name of document, section and page)	EPA Office use only – EPA comments on completeness
2(1)(a)	Specify the purpose of the proposed activity	Substantive Application Report - Sections 1.6.2 (p23) and 5.2 (p155) Appendix 2 - Wildlands - Avifauna Assessment - Section 1.0 (p5) Appendix 2a - Wildlands - POTL Avifauna Management Plan Section 11.0 (p5) Appendix 11 - Wildlands - Wildlife Act Authority Application Assessment - Section 3.0 (p5)	Yes Purpose addressed in: Section 1.6.2, page 23 of 03 – FTA Substantive Application Page ii of 03 – FTA Substantive Application Section 3.0, page 5 of Appendix 11
2(1)(b)	Identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land) <i>Guidance note: Under clause 2(2) if the substantive application is to be lodged by more than 1 authorised person, the reference to the applicant in subclause (1)(b) is to the authorised person who is identified in the application as the proposed holder of the wildlife approval.</i>	Substantive Application Report - Sections 1.6.2 (p23), 5.2 (p155) and 7 (p) Appendix 2 - Wildlands - Avifauna Assessment - Section 1.0 (p5) Appendix 11 - Wildlands - Wildlife Act Authority Application Assessment - Section 4.0 (p6)	Yes What actions and where they will be carried out is addressed in section 4.0, page 6 of Appendix 11
2(1)(c)	An assessment of the activity and its impacts against the purpose of the Wildlife Act	Substantive Application Report - Section 11.2 (p295) Appendix 11 - Wildlands - Wildlife Authority Application Assessment - Section 5.0 (p7)	Yes Assessment provided in section 5.0, page 7 and section 12.0, page 13 of Appendix 11

2(1)(d)	List protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted	Substantive Application Report - Section 3.10.2 (p75) Appendix 2 - Wildlands - Avifauna Assessment - Sections 4.2.1 (p18), 4.2.2 (p19) 4.3.1 (p22) and 4.3.2 (p22) Appendix 11 - Wildlands - Wildlife Act Authority Application Assessment - Section 6.0 (p.9)	Yes Species located at project site are detailed in section 6.0, page 9 of Appendix 11 A list of species found in the general project area is provided in section 3, page 9-13 of Appendix 2a Additional list provided in Table 2, page 27 of Appendix 2
2(1)(e)	An outline of impacts on threatened, data deficient, and at- risk wildlife species (as defined in the New Zealand Threat Classification System)	Substantive Application Report - Sections 6.8.2.2 (p190) and 6.8.3 (p190) Appendix 2 - Wildlands - Avifauna Assessment - Sections 4.2.3 (p19) and 4.3.3 (p22) Appendix 2a - Wildlands - Avifauna Management Plan - Section 2: 3.5 (p35), 4.5 (p37) and 5.0 (p38) Appendix 11 - Wildlands - Wildlife Act Authority Application Assessment - Section 7.0 (p9)	Yes Outline provided in section 7.0, page 9 and section 12.0, page 13 of Appendix 11 Appendix 3, page 19 of Appendix 11 Sections 4.2.3 and 4.3.3 of Appendix 2
2(1)(f)	A statement of how the methods proposed to be used to conduct the actions involving protected wildlife will ensure that best practice standards are met	Appendix 11 - Wildlands - Wildlife Act Authority Application Assessment - Section 8.0 (p10)	Yes Statement and more detail provided in section 8.0, page 10 of Appendix 11
2(1)(g)	A description of the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:	Substantive Application Report - Sections 6.8.4 and 7 Appendix 2a - Wildlands - Avifauna Management Plan - Section 2: 2.2 (p29), 2.3(p34), 6.0 (p40) and 7.0 (p43) Appendix 11 - Wildlands - Wildlife Act Authority Application Assessment - Section 9.0 (p.11)	Yes Methods described in section 9.0, page 11-12 of Appendix 11 and section 6.8.2 of 03 – FTA Substantive Application
2(1)(h)	A statement of the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available)	Substantive Application Report - Sections 1.2.1 (p5) and 3.10.2 (p75) Appendix 2 – Wildlands – Avifauna Assessment - Section 4.0 (p18) Appendix 2a – Wildlands – Avifauna Management	Yes Map provided in Appendix 1, page 17 of Appendix 11

		Plan - Section 2: 1.0 (p27), 2.2 (p29) and 2.3 (p34). Appendix 11 – Wildlands – Wildlife Act Authority Application Assessment - Section 10.0 (p.12)	Location is further outlined in section 1.2.1, page 4 and section 3.10.2, page 76 of 03 – FTA Substantive Application
2(1)(i)	A statement of whether authorisation is sought to temporarily hold or relocate wildlife	Substantive Application Report - Sections 1.6.2 (p23), 2.3 (p43), and 5.2 (p155). Appendix 2 – Wildlands – Avifauna Assessment - Section 4.3.4 (p22) Appendix 2a – Wildlands – Avifauna Management Plan - Section 2: 2.2 (p29) and 2.3 (p34) Appendix 11 – Wildlands – Wildlife Act Authority Application Assessment - Section 11.0 (p.13)	Yes Statement provided in section 11, page 13 of Appendix 11 (authorization sought to relocate kororā).
2(1)(j)	A list of all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site	Substantive Application Report - Sections 6.8.2.2 (p190) and 6.8.3 (p190) Appendix 2 – Wildlands – Avifauna Assessment - Section 4.2.3 (p19) and 4.3.3 (p22) Appendix 2a – Wildlands – Avifauna Management Plan - Section 2: 5.0 (p38). Appendix 11 – Wildlands – Wildlife Act Authority Application Assessment - Section 12.0 (p.13)	Yes Effects on target species addressed in section 12.0, page 130-14 of Appendix 11 Effects on avifauna in general are addressed in section 6.8, starting page 188 of 03 – FTA Substantive Application Effects on marine mammals addressed in section 6.7, page 184-187 of 03 – FTA Substantive Application
2(1)(k)	Where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife)	Substantive Application Report - Sections 6.8.4.2 (p193), 6.8.4.3 (p194) and 7 (p216). Appendix 2a – Wildlands – Avifauna Management Plan - Sections 2: 2.2 (p29), 2.3 (p34), 6.0 (p40) and 7.0 (p43) Appendix 11 – Wildlands – Wildlife Act Authority Application Assessment - Section 13.0 (p.14)	Yes Summary of proposed methods is provided in section 13.0, page 14 of Appendix 11 A table breaking down mitigation and management methods for potential effects is provided in section 7, starting page 216 of 03 – FTA Substantive Application

			Avifauna Management Plan - Appendix 2a
2(1)(l)	A statement of whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act	Appendix 11 – Wildlands – Wildlife Act Authority Application Assessment - Section 14.0 (p.15)	Yes Applicant has stated in section 14.0, page 15 of Appendix 11 that “no such convictions have been recorded.”
2(1)(m)	A statement of whether the applicant or any company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act pending before a court	Appendix 11 – Wildlands – Wildlife Act Authority Application Assessment - Section 14.0 (p.15)	Yes Applicant has stated in section 14.0, page 15 of Appendix 11 that “no such changes are pending.”
2(1)(n)	Provision of proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts	Appendix 11 – Wildlands – Wildlife Act Authority Application Assessment - Section 15.0 (p.16)	Yes Summary of consultation with DOC regarding wildlife is provided in section 8.1.4, page 237-238 of 03 – FTA Substantive Application Additional evidence of DOC consultation is provided in Appendix 26. Consultation with iwi specific to wildlife is detailed on page 112, 118, 121, and 125 of Appendix 18. Page 89 also shows that marine mammal and avifauna experts were present at forums held with iwi. A summary of consultation with iwi specific to wildlife is provided in section 6.4.2.5, page 168-170 of 03 – FTA Substantive Application Page 3 of Appendix 2a states that “The draft combined BPAMP was prepared to facilitate updating of avifauna management measures in

			<i>consultation with the Department of Conservation and tangata whenua. Discussions were also undertaken with Ngā Tai ki Mauao with regards to opportunities to manage and restore site(s) on Matakana Island or elsewhere to provide better protection and enhance shorebird habitat. These matters will also be addressed in the Plan as they develop”</i>
2(1)(o)	Provision of any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal	Appendix 11 – Wildlands – Wildlife Act Authority Application Assessment - Section 16.0 (p.16)	Yes Several relevant expert reports and opinions have been provided, including Appendix 2 , Appendix 2b , Appendix 6 , Appendix 11 , and Appendix 14

CHECKLIST J – Listed project information requirements

Section, Fast-track Approvals Act	Information required for a substantive application under section 43(2) and section 13(4)	Application Reference (Name of document, section and page)	EPA Office use only – EPA comments on completeness
13(4)(a)	a description of the project and the activities it involves	Substantive Application Report - Sections 1.2 and 4	Yes See pages 12 to 21 – 03 – FTA Substantive Application More detail provided in section 4, starting page 93.
13(4)(c)	information to demonstrate that the project does not involve any ineligible activities (other than activities that may be the subject of a determination under section 23 or 24)	Substantive Application Report - Section 2.4	Yes Page 44-45 of 03 – FTA Substantive Application . Applicant has stated “This substantive application is, therefore, not for an ineligible activity.” Considering that the applicant has confirmed that the project does not involve any activities identified as ineligible under the Act, my assessment is that on the face of the application, the project does not appear to involve an ineligible activity.
13(4)(d)	a description or map of the whole project area that identifies its boundaries in sufficient detail to enable consideration of the referral application	Substantive Application Report - Sections 1.2 and 4	Yes See page 3, 4, and 15 - 03 – FTA Substantive Application and Appendix 29
13(4)(e)	the anticipated commencement and completion dates for construction activities (where relevant)	Substantive Application Report - Sections 4.2	Yes Section 4.2, page 103 of 03 – FTA Substantive Application

13(4)(f)(i)	a statement of whether the project is planned to proceed in stages and, if so an outline of the nature and timing of the stages	Substantive Application Report - Section 4.2	Yes Section 4.2, page 103-106 of 03 – FTA Substantive Application
13(4)(h)	a description of the anticipated and known adverse effects of the project on the environment	Substantive Application Report - Section 6	Yes Section 6 of 03 – FTA Substantive Application
13(4)(i)	a statement of any activities involved in the project that are prohibited activities under the Resource Management Act 1991	Substantive Application Report - Sections 5 (no prohibited activities are proposed)	Yes The applicant has confirmed on page 33 of 03 – FTA Substantive Application that “No prohibited activities are proposed.”
13(4)(j)	a list of the persons and groups the applicant considers are likely to be affected by the project, including— (i) relevant local authorities: (ii) iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements: (iii) other relevant iwi authorities: (iv) relevant Treaty settlement entities: (v) relevant protected customary rights groups and customary marine title groups: (vi) ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou: (vii) relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011:	Substantive Application Report - Section XX	Yes Local authorities, iwi authorities, Treaty settlement entities, customary marine title applicants are identified in section 8 of 03 – FTA Substantive Application . The applicant has identified the following on page 34: <i>“Based on the Project effects described in Section 6 of this report, POTL identifies Whareroa Marae as being affected in relation to landscape values.</i> <i>The parties who provided CVRs (referenced in Section 8.2.2.2 of this report) have identified themselves as affected parties to the Project.”</i>

	(viii) persons with a registered interest in land that may need to be acquired under the Public Works Act 1981:		
13(4)(k)	a summary of— (i) the consultation undertaken for the purposes of section 29 and any other consultation undertaken on the project with the persons and groups referred to in paragraph (j); and (ii) how the consultation has informed the project:	Substantive Application Report - Section 8	Yes Pre-consultation with local authorities, the Ministry for the Environment, the department of Conservation and relevant iwi groups is summarized in section 8 of 03 – FTA Substantive Application. See also Appendix E of Appendix 18 Appendix 21 Appendix 24 Appendix 25 Appendix 26 Appendix 27
13(4)(l)	a list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements	Substantive Application Report - Section 3.6.3 and Appendix XX	Yes See section 9, page 246 - 03 – FTA Substantive Application and Appendix 28
13(4)(m)	a description of any processes already undertaken under the Public Works Act 1981 in relation to the project	N/A	N/A Page 34 of 03 – FTA Substantive Application – “No processes under the Public Works Act are relied upon for the Project”
13(4)(n)	a statement of any relevant principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019	N/A	N/A Page 34 of 03 – FTA Substantive Application – “Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is not relevant to the Project”

13(4)(o)	information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area	N/A	N/A Page 34 of 03 – FTA Substantive Application – “There is no Māori land, marae or identified wāhi tapu within the Project footprint”
13(4)(p)	a statement of whether the applicant is seeking a determination under section 23 and, if so, an assessment of the effects of the activity on the relevant land and on the rights and interests of Māori in that land	Substantive Application Report - Section 2.1.2	Yes Page 34 of 03 – FTA Substantive Application – “In relation to the Project, POTL is not seeking a determination under sections 23, 24(2) or 24(4) of the FTA;”
13(4)(q)	a statement of whether the applicant is seeking a determination under section 24(2) and, if so, a description of— (i) the scale and adverse effects of the existing electricity infrastructure; and (ii) how, if at all, that scale or those adverse effects are anticipated or known to change as a result of the maintenance, upgrading, or continued operation of the infrastructure	Substantive Application Report - Section 2.1.2	Yes Page 34 of 03 – FTA Substantive Application – “In relation to the Project, POTL is not seeking a determination under sections 23, 24(2) or 24(4) of the FTA;”
13(4)(r)	a statement of whether the applicant is seeking a determination under section 24(4) and, if so,— (i) a description of every alternative site considered by the applicant (or, if the referral application is lodged by more than 1 person, any of those persons) for the construction and operation of the new electricity lines (the activity); and (ii) for each alternative site considered,— (A) a statement of the anticipated and known	Substantive Application Report - Section 2.1.2	Yes Page 34 of 03 – FTA Substantive Application – “In relation to the Project, POTL is not seeking a determination under sections 23, 24(2) or 24(4) of the FTA;”

	financial cost of undertaking the activity; and (B) a description of the anticipated and known adverse effects of undertaking the activity; and (C) a description of the anticipated and known financial cost and practicality of available measures to avoid, remedy, mitigate, offset, or compensate for the anticipated and known adverse effects of the activity; and (D) a description of any issues (including financial cost) that would make it impractical to undertake the activity on the site; and (E) an assessment of whether it would be reasonable and practical to undertake the activity on the site, taking into account the matters referred to in subparagraphs (A) to (D) and any other relevant matters		
13(4)(s)	a description of the applicant's legal interest (if any), or if the application is lodged by more than 1 person, the legal interest of any of those persons) (if any), in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work	Substantive Application Report - Section 2.1.2	Yes Section 2.1.2 page 34 and 35 of 03 – FTA Substantive Application and Appendix 12
13(4)(t)	an outline of the types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) that the applicant considers are needed to authorise the project, including any that the applicant considers may be needed by someone other than the applicant	Substantive Application Report - Section 5	Yes Section 5 of 03 – FTA Substantive Application

13(4)(u)	whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and,— (i) if an application has been made, details of the application: (ii) if a decision has been made, the outcome of the decision and the reasons for it:	Substantive Application Report - Section 1.7	Yes Section 1.7 of 03 – FTA Substantive Application
13(4)(v)	a description of whether and how the project would be affected by climate change and natural hazards	Substantive Application Report - Sections 4.6.9, 4.6.10 and 6.13	Yes Section 6.14. of 03 – FTA Substantive Application
13(4)(w)	if the application is lodged by more than 1 person, a statement of the proposed approval to be held by each of those persons	N/A	N/A Page 35 of 03 – FTA Substantive Application – “<i>Not applicable, this is not a referral application, and the application is being lodged by one applicant, POTL</i>”
13(4)(x)	a summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant (or if the application is lodged by more than 1 person, any of those persons) under a specified Act	Substantive Application Report - Section 2.1.2	Yes Table 5, page 36-36 of 03 – FTA Substantive Application
13(4)(y)	Please provide the information specified below for the relevant approval(s) sought. This is the information specified in the relevant schedule.		
13(4)(y)(i), clause 2 of Schedule 5	Resource consent or designation (a) an assessment of the project against— (i) any relevant national policy statement; and	Substantive Application Report - Sections 10.6	Yes Policy statements addressed on page 258-259 of 03 – FTA Substantive Application Environment standards addressed on page 257-258

	(ii) any relevant national environmental standards; and (iii) if relevant, the New Zealand Coastal Policy Statement; and		New Zealand Coastal Policy Statement addressed on page 259-266
	(iv) in relation to any proposed approval that is a resource consent, whether, to the best of the applicant's knowledge, there are any existing resource consents of the kind referred to in section 30(3)(a). <i>Guidance note: If the application is to be lodged by more than 1 person, the reference to the applicant in subclause (1)(b) is to the person who will be identified in the application as the proposed holder of the resource consent.</i>	Substantive Application Report - Section 3.5	Yes Section 3.5 page 52-59 of 03 – FTA Substantive Application
13(4)(y)(ii), clause 3 of Schedule 5	Change or cancellation of resource consent condition The information to be provided under section 13(4)(y)(ii) is information about whether and how the change or cancellation of the condition is material to the implementation or delivery of the project.		N/A
13(4)(y)(iii), clause 4 of Schedule 5	Certificate of compliance The information required to be provided under section 13(4)(y)(iii) is information that shows the activity that the certificate of compliance is intended to cover can be done lawfully in the particular location without a resource consent. Include information that shows that the activity that the certificate of compliance is intended to cover can be done lawfully in the particular location without a resource consent.		N/A

13(4)(y)(iv), clause 2 of Schedule 6	Concession (1) The information in subclause (2) is required to be provided under section 13(4)(y)(iv) if a proposed concession includes a lease and— (a) the lease would be for a term (including any renewals) that will or is likely to be more than 50 years; and (b) the granting of the lease would trigger a right of first refusal or a right of offer or return. (i) Confirmation that the applicant has written agreement from the holder of the right of first refusal or right of offer or return to waive that right for the purposes of the proposed lease. <i>Guidance note: If the application is to be lodged by more than 1 person, the reference to the applicant in subclause (2) is to the person who is to be identified in the application as the proposed holder of the concession (clause 2(3) of Schedule 6).</i>		N/A
13(4)(y)(v), clause 23 of Schedule 6	Land exchange (ii) The information required to be provided under section 13(4)(y)(b) is (a) - (e) below: <i>Guidance note: If the substantive application is to be lodged by more than 1 person, the reference to the applicant in subclause (2)(d) is to the person who is to be identified in the application as the person proposed to exchange land (clause 23(2) of Schedule 6).</i>		N/A

	a) a description of both land areas proposed for exchange (for example, maps showing areas and location, addresses, and legal descriptions where possible:		
	b) the financial value of the land proposed to be acquired by the Crown:		N/A
	c) a brief description of the conservation values of both pieces of land, including an explanation of why the exchange would benefit the conservation estate:		N/A
	d) if the land exchange would trigger a right of first refusal or a right of offer or return, confirmation that the applicant has written agreement from the holder of the right of first refusal or right of offer or return that the holder has agreed to waive that right for the purpose of the land exchange:		N/A
	e) confirmation by the applicant that no part of any land to be exchanged by the Crown is – (iii) land listed in Schedule 4; or (iv) a reserve declared to be a national reserve under section 13 of the Reserves Act 1977		N/A
13(4)(y)(vi), clause 2 of Schedule 9	Standard or complex freshwater fisheries activity approval (1) The information required to be provided under section 13(4)(y)(vi) is the following: (a) whether an in-stream structure is proposed (including formal notification of any dam or diversion structure) and the extent to which this may impede fish passage;		N/A

	and (b) whether any fish salvage activities or other complex freshwater fisheries activities are proposed.		
13(4)(y)(vii), clause 2 of Schedule 10	Marine consent The information required to be provided under section 13(4)(y)(vii) is— (a) information about whether the Minister of Conservation is an affected person:		N/A
	(b) additional information about whether the applicant has already made an application for a consent under the EEZ Act in relation to the project, and, if so,— I. details of any application made; and II. the decisions made on that application; and III. information about the matters that the Minister may consider under section 22(6):		N/A
	(c) additional information (in a summary form) about compliance or enforcement action taken against the applicant by the EPA under the EEZ Act. <i>Guidance note: If the application is to be lodged by more than 1 person, the reference to the applicant in subclause (1)(b) is to the person who is to be identified in the application as the proposed holder of the marine consent (clause 2(2) of Schedule 10).</i>		N/A
13(4)(y)(viii), clause 2 of	Access arrangement (i) Confirmation that the applicant has complied with		N/A

Schedule 11	section 12(2) (for the purposes of section 13(4)(y)(viii)). <i>Guidance note: If the referral application is to be lodged by more than 1 person, the reference to the applicant in subclause (1) is to the person who is to be identified in the application as the proposed holder of the access arrangement (clause 2(2) of Schedule 11).</i>		
13(4)(y)(ix), clause 15 of Schedule 11	Mining permit (1) For the purposes of section 13(4)(y)(ix), the information is— (a) a copy of the relevant exploration permit or existing privilege to be exchanged for a mining permit that entitles the holder to mine a Crown owned mineral: (b) the name and contact details of the proposed permit participants and the proposed permit operator: (c) a proposed work programme for the proposed permit, which may comprise committed work, committed or contingent work, or both: (d) evidence of the technical or financial capability of the proposed permit holder to comply with and give proper effect to the work programme: (e) information about the proposed permit holder's history of compliance with mining or similar permits and their conditions: (f) the proposed date on which the substantive application is intended to be lodged: (g) if the authorised person proposes to provide information under section 37, the date on which the person intends to provide that information:		N/A

(h) The proposed duration of the permit: (i) if the proposed approvals include a mining permit for petroleum,— (i) a map of the area over which the mining permit application is intended to be made, the area in which the surrender of an exploration permit or existing privileges is proposed (which must be same area as the area over which the mining permit application is intended to be made), and the extent of the resource to which the development plan relates: (ii) the resources and reserves relating to the project, estimated in accordance with the Petroleum Resources Management System: (iii) a high-level overview of the following: (A) the proposed field development plan: (B) the proposed date for the commencement of petroleum production: (C) the economic model for the project: (D) the proposed duration of the proposed mining permit: (E) decommissioning plans: (j) if the proposed approvals include a mining permit for minerals other than petroleum,— (i) a map of the area over which the mining permit		
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	application is intended to be made, the area in which the surrender of an exploration permit or existing privileges is proposed (which must be same area as the area over which the mining permit application is intended to be made), and the extent of the resource and reserves to which the development plan relates: (ii) for minerals other than gold or silver, a report or statement confirming the ownership of the minerals targeted: (iii) whether the application will be for a Tier 1 or Tier 2 permit: (iv) an estimate of the mineral resources and reserves relating to the project, including a summary on acquisition of the data and the data underpinning the estimate (such as information on sample locations, grade, and geology): (v) an indicative mine plan: (vi) a high-level overview of the following: (A) the proposed mining method: (B) the proposed date for the commencement of mining and estimated annual production: (C) the economic model for the project: (D) the status of or anticipated timing for completing any prefeasibility or feasibility studies:		
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	(E) the proposed methods for processing mined material and handling and treating waste: (F) anticipated plans for mine closure and rehabilitation. (2) For the purpose of subclause (1)(j)(iv), for a Tier 1 permit application the resources and reserves relating to the project are to be estimated in accordance with a recognised reporting code such as JORC or NI 43-101		
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Appendix 2: Consultation Summary

The following agencies were consulted with to inform the assessment of the application for completeness. Each agency was requested to confirm whether the application documentation provided by the EPA regarding the proposal as provided by the applicant meets the requirements of sections 42 and 43 of the Act and is provided in sufficient detail to satisfy the purpose of the Act in accordance with section 44 of the Act.

Bay of Plenty Regional Council advised that matters raised during consultation with the applicant on the draft application have largely been addressed by the application as lodged. The Council are of the opinion that the application is able to satisfy the requirements outlined in section 44 of the Act.

Tauranga City Council consider that the information in the application is provided in sufficient detail in accordance with section 44 of the Act.

Both Councils have advised that the notices issued in relation to section 30 of the Act remain current and correct at the time of consultation.

The Ministry for the Environment confirmed they had no comment.

Department of Conservation (DOC) advised that in their view the substantive application to seek a wildlife approval addresses each of the information requirements of cl (2) schedule 7 of the Act. In DOCs view, consultation between the applicant and DOC before lodgement of the application meets the requirements of section 29 of the Act.

1. Consultation with Bay of Plenty Regional Council and Tauranga City Council as the relevant consent authority and the **Ministry for the Environment** as the administering agency for the following approvals under the Resource Management Act 1991:

- Resource consent (section 42(4)(a) of the Act)

Response from Bay of Plenty Regional Council

fasttrack.govt.nz | info@fasttrack.govt.nz | 0800 FASTRK

Fast-track is administered by the Environmental Protection Authority
Private Bag 63002, Wellington 6140, New Zealand | NZBN: 9429041901977

I am writing in response to your letter of 17 April 2025 regarding the substantive application under the Fast-track Approvals Act 2024 (the Act) by the Port of Tauranga for the Stella Passage Development. In that letter, you are seeking feedback from the Bay of Plenty Regional Council (Council) on if the application meets the requirements of sections 42 and 43 of the Act and if it is provided in sufficient detail to satisfy the purpose for which it is required in accordance with section 44 of the Act.

As you are aware, Council have previously reviewed a draft of the application documentation, including engaging independent experts to review the supporting technical information, providing comments to the Applicant regarding the completeness of the application and additional information that Council considers necessary for the decisions makers to determine the Proposal. We note that the application as lodged is consistent with the draft document and has, in large, addressed the matters raised in Council's previous feedback. As such, we are of the opinion that it is able to satisfy the requirements outline in section 44 of the Act.

Re. Section 30 - I can confirm that the written notice prepared by Council remains accurate and final at the time of receiving this letter.

Response from Tauranga City Council

We have reviewed the application materials, and with regard to s46 of the Act, subject to Sections 42 and 43, we consider that what has been provided is in sufficient detail to satisfy the purpose for which it is required in accordance with section 44 of the Act. Therefore, from Tauranga City Council's perspective, the application is considered complete and no further information is required.

Response from the Ministry for the Environment

Thank you for your letter dated 17 April 2025 regarding Port of Tauranga Limited's updated substantive applications under the Act. MfE as relevant administering agency does not have any comment on whether the documentation meets the requirements of sections 42 and 43 of the Act or whether it is in sufficient detail to satisfy the purpose for which it is required. We appreciate MfE being consulted and note that the responsibility for making these determinations sits with the EPA. MfE will provide comment on whether future applications meet the requirements of these sections where it holds relevant information to contribute to that determination.

2. Consultation with the Department of Conservation as the administering agency for the following Acts:

- Wildlife approval (section 42(4)(h) of the Act)

Response from the Department of Conservation
1.0 Summary The Department of Conservation (DOC) received a request from the EPA to review the Port of Tauranga Limited (POTL) Stella Passage Development application (solely in relation to the wildlife approval aspect of the application) and provide advice on whether it meets the requirements of sections 42 and 43 of the Fast-track Approvals Act 2024 (“Act”) and whether the information is provided in sufficient detail to satisfy the purpose for which it is required, in accordance with section 44 of the Act. The application seeks a wildlife approval (section 42(4)(h) of the Act). DOC’s assessment is that the application addresses each of the information requirements of clause 2 schedule 7 and provides sufficient detail. DOC’s review of the application and information required in relation to the wildlife approval is in section 3.0. DOC’s comments on the application and the Act’s section 43 information requirements for substantive applications are in section 4.0. As addressed in section 4.1, in DOC’s view, consultation between the applicant and DOC before lodgement of the substantive application meets the requirements of section 29 of the Act.

Application for wildlife approval response from DOC

Response from the Department of Conservation - Applications for wildlife approvals	
<i>Schedule 7 clause 2(1) For the purposes of section 43(3)(h), an application for a wildlife approval must—</i>	
3.0 Information required in application for wildlife approval Clause 2 schedule 7 of the Act outlines the information required in an application for a wildlife approval.	

Table 2 (overleaf) shows the information requirements alongside DOC's assessment of compliance with these requirements. DOC has provided its view on whether information is present to address each of the clause 2 schedule 7 requirements. Regarding section 44 of the Act, DOC has assessed information as sufficient if the content and detail of the information as provided appears sufficient for DOC to form advice that addresses the matters in clauses 5(b) and (c) and clause 6 of schedule 7. To summarise in DOC's view the information provided by the applicant for a Wildlife Approval meets the requirements of section 43 of the Act and the information required by section 43 is provided in sufficient detail to satisfy the purpose for which it is required in accordance with section 44 of the Act.

Table 2. DOC advice on information required in application for wildlife approval and sufficiency

Relevant section	Information present	Information sufficient	Comment
Schedule 7 clause (2)(1) For the purposes of section 43(3)(h), an application for a wildlife approval must—			
(a) specify the purpose of the proposed activity:	Y	Y	
(b) identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land):	Y	Y	
(c) include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953	Y	Y	
(d) list protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted:	Y	Y	
e) outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):	Y	Y	
(f) state how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met:	Y	Y	

(g) describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:	Y	Y	
(h) state the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available):	Y	Y	
(i) state whether authorisation is sought to temporarily hold or relocate wildlife:	Y	Y	
(j) list all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site:	Y	Y	
(k) where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife):	Y	Y	
(l) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953	Y	Y	
(m) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court:	Y	Y	
(n) provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:	Y	Y	
	Pre-lodgement consultation between the applicant and DOC is described in Section 4.1 of this document.)		

(o) provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.	Expert views and advice to the applicant have been prepared by the ecological consultancy Wildland Consultants Limited.
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Response from the Department of Conservation continued	
4.0 Section 43 comment by DOC DOC has considered clauses of section 43 of the Act and requirements for substantive applications. Table 3 shows comments where DOC's input may assist the EPA assess whether the application meets the requirements.	
Table 3. DOC comments on section 43 requirements for substantive applications	
Requirement	Comment
Section 43(1) - A substantive application	
(a) must be lodged in the form and manner approved by the EPA; and	
(b) must—	
i. explain how the project to which the application relates is consistent with the purpose of this Act; or	
ii. for a project referred under section 21(1)(a)—	

A. explain how both the stage to which the application relates and the whole project are consistent with the purpose of this Act	
B. contain information relating to the likelihood that any later stages of the project will be completed;	
(c) must demonstrate that the project does not involve any ineligible activities	
(d) must, if the application is lodged by more than 1 authorised person, state the proposed approval to be held by each person; and	
(e) must comply with—	
i. any information requirements specified by the Minister under section 27(3)(b)(ii); and	
ii. the requirements listed in subsection (3) that apply to the approvals sought; and	
(f) must, if the authorised person has applied under section 39 for a determination under section 23 or 24, include a copy of the notice under section 39(4); and	
(g) must, if the application seeks an approval for an activity that is the subject of a determination under section 23, set out the steps taken to secure the agreement referred to in section 5(1)(a); and	
(h) must state whether the application relates to a priority project and, if so, include confirmation that, to the best of the applicant's knowledge, there are no competing applications; and	
(i) must be made by the deadline specified in the notice under section 28(3)(d); and	
(j) must not lodge a substantive application unless any fee, charge, or levy payable under regulations in respect of the application is paid.	

43(2) If a substantive application is for a listed project, it must also contain the information required by section 13(4) (other than section 13(4)(b), (f)(ii) and (iii), and (g)), which applies—	
(a) as if the reference in section 13(4)(k) to section 11 were a reference to section 29; and	
(b) as if the reference in clause 2 of Schedule 11 to section 12(2) were a reference to section 29; and	
(c) with any other necessary modifications.	
13(4)	
(a) a description of the project and the activities it involves:	
(c) information to demonstrate that the project does not involve any ineligible activities (other than activities that may be the subject of a determination under section 23 or 24):	
(d) a description or map of the whole project area that identifies its boundaries in sufficient detail to enable consideration of the referral application:	
(e) the anticipated commencement and completion dates for construction activities (where relevant):	
(f) a statement of whether the project is planned to proceed in stages and, if so,	
i. an outline of the nature and timing of the stages	
(h) a description of the anticipated and known adverse effects of the project on the environment:	Section 4.0 of this document addresses effects in relation to wildlife approval.
(i) a statement of any activities involved in the project that are prohibited activities under the Resource Management Act 1991:	

(j) a list of the persons and groups the applicant considers are likely to be affected by the project, including—	
i. relevant local authorities:	
ii. iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements:	
iii. other relevant iwi authorities:	
iv. relevant Treaty settlement entities:	
v. relevant protected customary rights groups and customary marine title groups:	
vi. ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou:	
vii. relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011:	
viii. persons with a registered interest in land that may need to be acquired under the Public Works Act 1981:	
(k) a summary of—	
i. the consultation undertaken for the purposes of section 11 and any other consultation undertaken on the project with the persons and groups referred to in paragraph (j); and	These requirements relate to section 29 pre-lodgement consultation between the applicant and DOC, and comment from DOC is provided in section 4.1 of this document
ii. how the consultation has informed the project:	
(l) a list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements:	

(m) a description of any processes already undertaken under the Public Works Act 1981 in relation to the project:	
(n) a statement of any relevant principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019:	
(o) information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area:	
(p) a statement of whether the applicant is seeking a determination under section 23 and, if so, an assessment of the effects of the activity on the relevant land and on the rights and interests of Māori in that land:	
(q) a statement of whether the applicant is seeking a determination under section 24(2) and, if so, a description of—	
i. the scale and adverse effects of the existing electricity infrastructure; and	
ii. how, if at all, that scale or those adverse effects are anticipated or known to change as a result of the maintenance, upgrading, or continued operation of the infrastructure:	
(r) a statement of whether the applicant is seeking a determination under section 24(4) and, if so,—	
i. a description of every alternative site considered by the applicant (or, if the referral application is lodged by more than 1 person, any of those persons) for the construction and operation of the new electricity lines (the activity); and	
ii. for each alternative site considered,—	
A. a statement of the anticipated and known financial cost of undertaking the activity; and	

B. a description of the anticipated and known adverse effects of undertaking the activity; and	
C. a description of the anticipated and known financial cost and practicality of available measures to avoid, remedy, mitigate, offset, or compensate for the anticipated and known adverse effects of the activity; and	
D. a description of any issues (including financial cost) that would make it impractical to undertake the activity on the site; and	
E. an assessment of whether it would be reasonable and practical to undertake the activity on the site, taking into account the matters referred to in subsubparagraphs (A) to (D) and any other relevant matters:	
(s) a description of the applicant's legal interest (if any), or if the referral application is lodged by more than 1 person, the legal interest of any of those persons (if any), in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work:	
(t) an outline of the types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) that the applicant considers are needed to authorise the project, including any that the applicant considers may be needed by someone other than the applicant:	DOC notes that if activity related to other protected wildlife is proposed identified, then other approvals may be required (e.g. further Wildlife Approvals).
(u) whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and,—	DOC has not identified any such activities.
i. if an application has been made, details of the application:	
ii. if a decision has been made, the outcome of the decision and the reasons for it:	
(v) a description of whether and how the project would be affected by climate change and natural hazards:	

(w) if the referral application is lodged by more than 1 person, a statement of each proposed approval to be held by each of those persons:	
(x) a summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant (or if the referral application is lodged by more than 1 person, any of those persons) under a specified Act:	DOC has not identified any compliance issues in relation to the applicant and DOC approvals.
43(3) The requirements referred to in subsection (1)(e)(ii) are those set out in,—	
(a) for an approval described in section 42(4)(a) (resource consent), clauses 5 to 8 of Schedule 5:	
(b) for an approval described in section 42(4)(b) (change or cancellation of resource consent condition), clause 10 of Schedule 5:	
(c) for an approval described in section 42(4)(c) (certificate of compliance), clause 11 of Schedule 5:	
(d) for an approval described in section 42(4)(d) (designation), clause 12 of Schedule 5:	
(e) for an approval described in section 42(4)(e) (concession), clause 3 of Schedule 6:	
(f) for an approval described in section 42(4)(f) (land exchange), clause 27 of Schedule 6:	
(g) for an approval described in section 42(4)(g) (conservation covenant), clause 42 of Schedule 6:	
(h) for an approval described in section 42(4)(h) (wildlife approval), clause 2 of Schedule 7:	DOC comments are in section 3.0 of this document.
(i) for an approval described in section 42(4)(i) (archaeological authority), clause 2 of Schedule 8:	
(j) for an approval described in section 42(4)(j) (complex freshwater fisheries activity approval), clause 3 of Schedule 9:	

(k) for an approval described in section 42(4)(k) (marine consent), clauses 3 and 4 of Schedule 10:	
(l) for an approval described in section 42(4)(l) or (m) (access arrangement), clause 3 of Schedule 11:	
(m)for an approval described in section 42(4)(n) (mining permit), clause 16 of Schedule 11.	
Schedule 5 clause 9 - For the purposes of section 43(3)(a), a consent application for a project that includes a standard freshwater fisheries activity must include the information set out in clause 3 of Schedule 9.	
4.1 Section 29 pre-lodgement consultation between the applicant and DOC DOC considers pre-lodgement consultation between the applicant and DOC meets the requirement of section 29(1)(a) of the Act that, before lodging an application for a listed project, authorised persons for the project must consult with DOC. A discussion document summarising the pre-lodgement consultation was prepared by DOC and provided to the applicant. This document is contained in Appendix 26 of the application. 5.0. Documents reviewed DOC reviewed the following documents in preparing this document: • Appendix 2 – Wildlands – Avifauna Assessment – POTL Stella Passage Development • Appendix 2a – Wildlands – POTL Avifauna Management Plan • Appendix 2b - Peer Review of Avifauna Assessment - POTL Stella Passage • Appendix 11 – Wildlands – Wildlife Act Authority Application Assessment • Appendix 26 – DOC Pre-lodgement Consultation Summary – April 2025 Note, documents were not necessarily reviewed in full, rather document sections were targeted to locate information pertinent to the request.	

Response from the Department of Conservation continued

4.1 Section 29 pre-lodgement consultation between the applicant and DOC

DOC considers pre-lodgement consultation between the applicant and DOC meets the requirement of section 29(1)(a) of the Act that, before lodging an application for a listed project, authorised persons for the project must consult with DOC. A discussion document summarising the pre-lodgement consultation was prepared by DOC and provided to the applicant. This document is contained in Appendix 26 of the application. 5.0.

Response from the Department of Conservation continued

5.0 Documents reviewed

DOC reviewed the following documents in preparing this document:

- Appendix 2 – Wildlands – Avifauna Assessment – POTL Stella Passage Development
- Appendix 2a – Wildlands – POTL Avifauna Management Plan
- Appendix 2b - Peer Review of Avifauna Assessment - POTL Stella Passage
- Appendix 11 – Wildlands – Wildlife Act Authority Application Assessment
- Appendix 26 – DOC Pre-lodgement Consultation Summary – April 2025

Note, documents were not necessarily reviewed in full, rather document sections were targeted to locate information pertinent to the request.