

FTAA-2509-1101: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 1 decisions

Project Name: Stella Passage Development

Date submitted:	2 October 2025	Tracking #: BRF-6906	
Security level:	In-Confidence	MfE priority:	Urgent

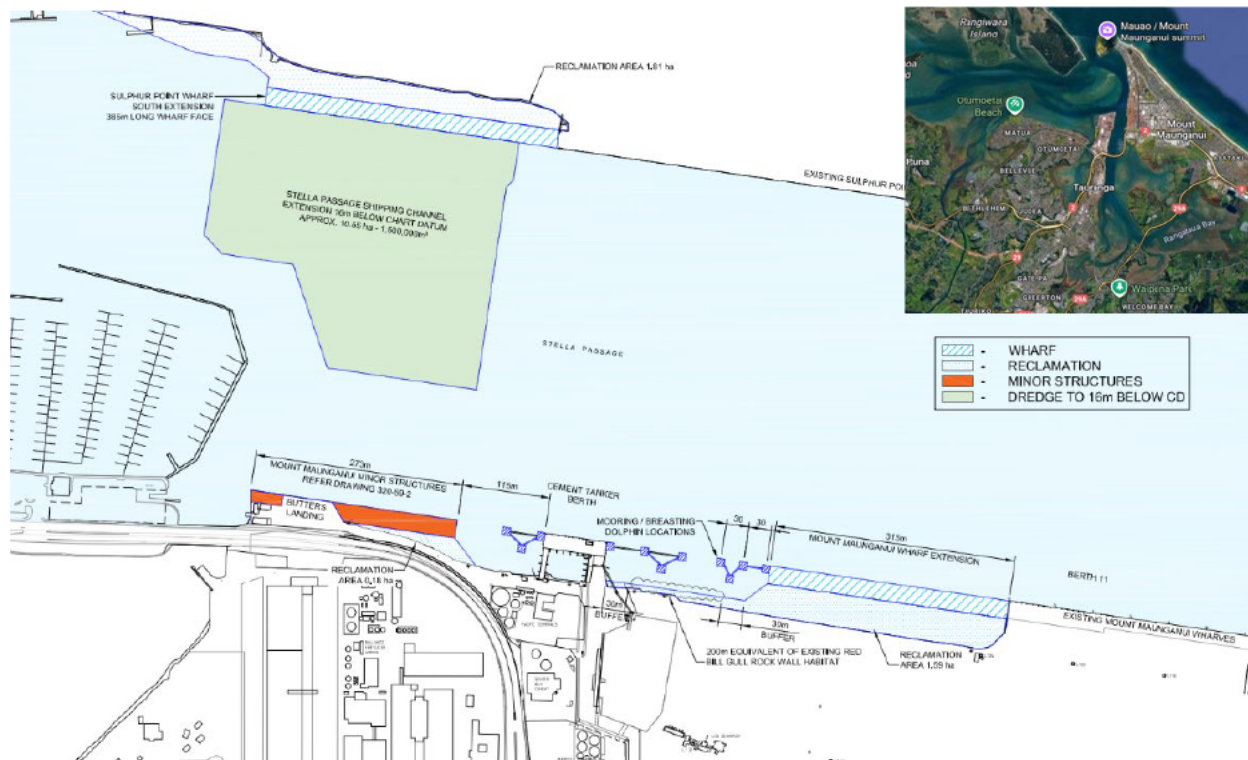
	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decisions on recommendations in Table A	To be advised

Actions for Minister's Office staff	Return the signed briefing to MfE – email to: FTAreferrals@mfe.govt.nz Send email to Ministers to invite written comments
Number of appendices: 3	Appendices: 1. Statutory framework summary 2. Application documents for Stella Passage Development Project (in File Exchange) 3. List of the Māori groups referred to in section 18(2))

Ministry for the Environment contacts:

Position	Name	Cell phone	1 st contact
Principal Author	Max Gander-Cooper		
Manager	Stephanie Frame	s 9(2)(a)	✓
Acting General Manager	Suzanne Doig	s 9(2)(a)	

Project location



Key messages

1. This briefing seeks your initial decisions on an application from Port of Tauranga Limited to refer the Stella Passage Development project (the project) under the Fast-track Approvals Act 2024 (the Act) to the fast-track approvals process. At this stage you can either decline an application for the reasons set out section 21, or provide the application to, and invite comments from, the parties identified in section 17. If you do not decline the application, you will receive a further briefing following receipt of comments, to support your final decision on whether to refer the project.
2. The project is to develop the Stella Passage Development, in the coastal marine area (Tauranga Harbour) that includes reclamations creating some new land (wharf extensions on both sides of the harbour), and other components outlined in the application.
3. The project's key components are:
 - a. Deepening, by dredging, approximately 10.55 hectares of Stella Passage to a finished depth of approximately 16 metres below Chart Datum (CD) (approximately mean low water spring tide). This would yield a volume of dredgings of approximately 1.5 million cubic metres. 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 metres below CD within sitting basins and the shipping channel of Stella Passage

- c. Reclamation of approximately 3.58 hectares of the CMA either side of Stella Passage, to facilitate the wharf extensions. Approximately 1.81 hectares is to be reclaimed on the Sulphur Point (western) side, and approximately 1.77 hectares is to be reclaimed on the Mount Maunganui (eastern) side
 - d. Development of an approximately 385-metre-long extension to the south of the existing Sulphur Point wharves in two stages, a 285-metre extension first and the balance later
 - e. Development of an approximately 315-metre-long extension to the south of the existing Mount Maunganui wharves in stages
 - f. Reconfiguration of existing structures and development of new structures in the CMA, primarily wharf piles, berthing piles and jetties
 - g. Construction and use of four additional cranes atop the proposed Sulphur Point wharf extensions for port operations (shipping container handling)
 - h. If necessary, the capture and relocation of kororā/blue penguin from the footprint of the Mount Maunganui extension; and
 - i. Activities involved in, or that support and are subsidiary to, the project.
4. The project will require the proposed approvals:
- a. resource consents under the Resource Management Act 1991
 - b. approvals under the Wildlife Act 1953.
5. We have undertaken initial analysis of the referral application, and this is presented along with our considerations and recommendations in Table A.
6. We have decided the application is complete and complies with section 14 of the Act, as the application complies with section 13 requirements, may be capable of satisfying the criteria in section 22 and does not appear to involve an ineligible activity. The applicable fee and levy have been paid.
7. We recommend you progress consideration of the referral application to the next stage of analysis (Stage 2) and invite written comments from the parties prescribed in section 17(1) of the Act being: relevant local authorities, the Minister for the Environment and relevant portfolio Ministers, relevant administering agencies, the owners of Māori land within the project area and identified Māori groups from section 18(2) of the Act. The parties are listed in Appendix 3.
8. We recommend that you invite written comments from the following persons or groups as additional parties under section 17(5) of the Act:
- a. Minister of Climate Change
 - b. Minister for Regional Development
 - c. Tauranga Moana Advisory Group
 - d. Mauao Trust
 - e. Te Kōtahitanga o Te Arawa Waka
 - f. Ngā Matarae Trust
 - g. Whareroa Marae Committee
 - h. Whareroa Marae Reservation Trust

- i. Huria Marae Committee
- j. Tauranga Airport Authority.

Action sought

9. Please indicate your decisions on the recommendations in Table A.

Signature

A handwritten signature in black ink, appearing to read 'SDoig', written in a cursive style.

Suzanne Doig
Acting General Manager – Investment Strategy and Operations

Table A: Stage 1 analysis

Project details	Project Name		Applicant		Project Location	
	Stella Passage Development		Port of Tauranga Limited c/- Mitchell Daysh Limited The applicant is a legal company and is able to apply for the relevant approvals		Within Tauranga Harbour between the existing Sulphur Point and Mount Maunganui wharves	
Project description	The project is to extend the existing Sulphur Point and Mount Maunganui Wharves at the existing port facility in Tauranga Harbour. The project's key components are: <ul style="list-style-type: none">• Deepening, by dredging, approximately 10.55 hectares of Stella Passage to a finished depth of approximately 16 metres below Chart Datum (CD) (approximately mean low water spring tide). This would yield a volume of dredgings of approximately 1.5 million cubic metres. This dredging will provide clearance for vessels to berth at the proposed wharf extensions• Maintenance dredging, on an as needed basis, to maintain an operational depth of 16 metres below CD within sitting basins and the shipping channel of Stella Passage• Reclamation of approximately 3.58 hectares of the CMA either side of Stella Passage, to facilitate the wharf extensions. Approximately 1.81 hectares is to be reclaimed on the Sulphur Point (western) side, and approximately 1.77 hectares is to be reclaimed on the Mount Maunganui (eastern) side• Development of an approximately 385 metre long extension to the south of the existing Sulphur Point wharves in two stages, a 285 metre extension first and the balance later• Development of an approximately 315 metre long extension to the south of the existing Mount Maunganui wharves in stages• Reconfiguration of existing structures and development of new structures in the CMA, primarily wharf piles, berthing piles and jetties• Construction and use of four additional cranes atop the proposed Sulphur Point wharf extensions for port operations (shipping container handling)• If necessary, the capture and relocation of kororā/blue penguin from the footprint of the Mount Maunganui extension; and• Activities involved in, or that support and are subsidiary to, the project.					
Consultation undertaken	As required by s11, the applicant has consulted with:					
	Relevant local authorities	Relevant iwi authorities, hapu and Treaty settlement entities	Relevant MACA groups	Ngā hapū o Ngāti Porou	Relevant administering agencies	Holder of land to be exchanged
	Tauranga City Council Bay of Plenty Regional Council	Ngāi Te Rangi Settlement Trust (Treaty settlement entity) Te Runanga o Ngāi Te Rangi Iwi Trust Ngā Hapū o Ngāti Ranginui Settlement Trust (Treaty settlement entity) Ngāti Ranginui Iwi Society Inc Ngāti Ranginui Fisheries Trust Te Tāwharau o Ngāti Pūkenga PSGE (Treaty settlement entity) Ngāti Pūkenga Iwi ki Tauranga Trust Te Kapu o Waitaha Trust (Treaty settlement entity) Ngā Pōtiki ā Tamapahore Trust (Treaty settlement entity) Ngāti Tamaterā Treaty Settlement Trust (Treaty settlement entity) Ngāti Maru Rūnanga Trust (Treaty settlement entity) Ngāti Makino Heritage Trust and Ngāti Pikiao Iwi Trust	Ngā Pāpaka o Rangataua: CMT collaboration for Rangataua Bay negotiating MACA, consisting of Ngā Pōtiki (lead), Ngāti Pūkenga, Ngāti Hē and Ngāi Tukairangi Te Tāwharau o Ngāti Pūkenga (MAC-01-05- 015, CIV-2017-485-250), CMT and PCR Ngāti Hē Hapū Trust (MAC-01-05-013, CIV2017-485-219) Ngā Hapū o Ngāti Ranginui Settlement Trust (MAC-01-05-016, CIV-2017-485-294) Ngāti Maru Runanga Trust (MAC-01-03-006) Ngā Hapū o Ngāi Te Rangi Settlement Trust (MAC-01-05-006, CIV-2017-485-244), CMT and PCR Waitaha Iwi (MAC-01-06-005), CMT and PCR Waaka and Holloway Whānau (MAC-01-05- 025) Pomare Paora Trust (MAC-01-05-020), CMT and PCR Te Whānau a Mokokoko (MAC-01-05-024, CIV-2017-485-355) Ngāti Tamaterā Treaty Settlement Trust (MAC-01-03-011) Ngā Pōtiki (MAC-01-05-007) Ngā hapū o Matakana (MAC-01-05-005) Hauraki Māori Trust Board (MAC-01-03-001)	N/A	Ministry for the Environment Department of Conservation	N/A
Section 22 assessment criteria						
The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	You may consider any of the following matters, or any other matters the Minister considers relevant. Assess the factors that are relevant to the application. How is the factor relevant and is it being met by the project?					

	<p><i>Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]</i></p> <p>The applicant states the project will enable and enhance the functions of existing significant infrastructure by removing existing constraints on the Port's freight throughput capacity. The Project will enable New Zealand to avoid the significant economic opportunity costs that would accumulate for as long as constraints on Port throughput capacity are allowed to persist.</p> <p><i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]</i></p> <p>The applicant states the project will contribute indirectly to these outcomes, insofar as removing constraints on throughput capacity will contribute meaningfully to the continued supply of building materials, which are fundamental to the outcomes sought by the NPS-UD.</p> <p><i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i></p> <p>The applicant states the project will remove constraints which, if allowed to persist, would have significant economic costs for the region and nation. The application attached an economic effects assessment from NZIER (Attachment 3) which estimates opportunity costs for the year 2033 as ranging between around \$792 million to around \$1.179 billion foregone GDP nationally (considering both stages 1 and 2 of the project), and those opportunity costs would continue to accumulate over successive years.</p> <p><i>Will support primary industries, including aquaculture [s22(2)(a)(v)]</i></p> <p>The applicant states the project is New Zealand's busiest import-export gateway. As such it is infrastructure that supports, and is significant to, the competitiveness and success of the nation's primary industry export sector. Removing throughput constraints will therefore support the access of New Zealand's primary industries to international markets.</p> <p><i>Will support development of natural resources, including minerals and petroleum [s22(2)(a)(vi)]</i></p> <p>The applicant states the project includes improvements that would enhance the capacity and resilience of the Tanker Berth in its role as part of the fuel supply network.</p> <p><i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i></p> <p>The applicant states the project will provide mooring capacity to accommodate more of the larger ships that are being commissioned across the global shipping fleet. These larger ships use more modern and efficient propulsion systems. They are therefore more emissions-efficient per unit of cargo shipped than the older, smaller fleet.</p> <p><i>Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]</i></p> <p>The applicant states the port is a lifeline utility under the Civil Defence and Emergency Management Act 2002. Removing constraints on the Port's freight handling capacity would improve the Port's ability to contribute to/facilitate natural hazard recovery efforts.</p> <p><i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i></p> <p>The applicant states the application is highly consistent with relevant planning documents. It is particularly notable that the Project will occur with the areas the Bay of Plenty Regional Coastal Environment Plan (RCEP) identifies for Port expansion, but has been refined over time to a smaller footprint than that anticipated by the RCEP.</p> <p><i>Any other matters that may be relevant [s22(b)]</i></p> <p>We note that this project is identical to the Stella Passage project that sought listing in Schedule 2 of the FTAA, indicating Parliament's intention that the project be able to be considered through the substantive application process as a project with nationally or regionally significant benefits. The Stella Passage Listed project was unable to progress through the substantive stage as a result of an error in the description of the project in Schedule 2.</p>		
Referring the project to the fast-track approvals process [section 22(1)(b)]	<p><i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i></p> <p>The applicant states that consenting processes undertaken to date pursuant to the RMA have been extremely protracted and costly. The normal processes have consumed more than four years of effort, without delivering a decision on the Project. In comparison, the Panel Convenor responsible for administering POTL's April 2025 application for the listed Stella Passage Development set an 80 working day timeframe for the processing of that application by an Expert Panel, after the receipt of comments from parties invited to provide feedback. This indicates a more timely and cost-effective process when compared to normal RMA processes.</p> <p><i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i></p> <p>A substantive application for the Project has progressed (via the FTAA Schedule 2 "listed" pathway) to the expert panel stage of the FTAA process. This demonstrates that sufficient information is available for the Project to pass through the Environmental Protection Authority's completeness checks under section 46 of the FTAA. The lodgement of this separate referral application responds to the High Court decision (Ngāti Kuku Hapu Trust v Environmental Protection Agency [2025] NZHC 2453) which identifies technical issues with the Project listing in Schedule 2 of the FTAA and indicates the opportunity to utilise the referral application pathway for this Project. As such, this application is not for a new or additional project that was previously unforeseen. Consequently, it will not require resourcing that was not previously envisaged and so will not materially affect the efficient operation of the FTAA process.</p>		
Minister invites comments	<p><i>You must copy the application to, and invite written comments from [s17(1)]:</i></p> <ul style="list-style-type: none"> a. Relevant local authorities: Tauranga City Council, Bay of Plenty Regional Council b. Minister for the Environment c. Relevant portfolio Minister(s): Associate Minister of Transport, Minister for Economic Growth, Minister for Trade and Investment 	<p><i>You may copy the application to, and invite written comments from, any other person [s17(5)]:</i></p> <p>The Minister for Regional Development – as they may comment on the significance of the project's economic benefits</p> <p>The Minister of Climate Change – as they may comment on the significance of the project's climate benefits</p>	<p><i>The Minister may request further information about a referral application from the applicant, the relevant local authorities, or the relevant administering agencies to be provided within the time frame specified in the request.</i></p> <p>N/A</p>

	<p>d. Relevant administering agencies: Ministry for the Environment, Department of Conservation</p> <p>e. Māori groups identified in Attachment 2</p> <p>f. Owners of Māori land in the project area: None</p>	<p>We also consider you could seek comments from the following groups the applicant considered would be particularly affected by the project:</p> <p>Tauranga Moana Advisory Group</p> <p>Mauao Trust</p> <p>Te Kōtahitanga o Te Arawa Waka</p> <p>Ngā Matarae Trust</p> <p>Whareroa Marae Committee</p> <p>Whareroa Marae Reservation Trust</p> <p>Huria Marae Committee</p> <p>Tauranga Airport Authority.</p>	
Recommendations			Minister's decision
a.	Note that section 25 of the Act permits you to decline the referral application without inviting comments from the relevant local authorities, the Minister for the Environment, any relevant Ministers, any relevant administering agencies and the Māori groups identified in the list provided.		Noted
b.	Note that you have not yet provided the application to, nor sought any written comments on it from, the parties listed in section 17(1) but that you are required to do so if you do not decline the application under section 21 of the Act.		Noted
c.	Note that section 17(5) of the Act permits you to forward an application to, and invite written comments from, any other person.		Noted
d.	Note that if comments have been sought and provided within the required time frame you are required to consider it, along with the referral application, before deciding to decline the application.		Noted
e.	Note that section 20 of the Act permits you to request further information from the applicant or relevant local authorities or relevant administering agencies at any time before you decide whether to accept or decline an application.		Noted
f.	Agree to progress the Stella Passage Development Project to our Stage 2 analysis (invite written comments and request section 18 Treaty report).		Yes/No
g.	<p>Agree to provide the application to, and invite written comments from:</p> <p>i. Relevant local authorities: Tauranga City Council, Bay of Plenty Regional Council</p> <p>ii. Minister for the Environment</p> <p>iii. Relevant portfolio Minister(s): Associate Minister of Transport, Minister for Economic Growth, Minister for Trade and Investment</p> <p>iv. Relevant administering agencies: Ministry for the Environment</p> <p>v. Māori groups identified in Attachment 2</p> <p>vi. Any parties you are required to invite comments from under section 17(1)(d) and (e) who may be subsequently identified</p>		<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>
h.	<p>Agree to provide the application to and invite written comments from the following additional entities/persons under section 17(5):</p> <p>i. Minister of Climate Change</p> <p>ii. Minister for Regional Development</p> <p>iii. Tauranga Moana Advisory Group</p> <p>iv. Mauao Trust</p> <p>v. Te Kōtahitanga o Te Arawa Waka</p> <p>vi. Ngā Matarae Trust</p> <p>vii. Whareroa Marae Committee</p>		<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>

viii. ix. X.	Whareroa Marae Reservation Trust	Yes/No
	Huria Marae Committee	Yes/No
	Tauranga Airport Authority	Yes/No
i.	Note that you have agreed to delegate to the Secretary for the Environment your responsibility to send all correspondence, other than to Ministers	Noted
j.	Agree to send email and invite written comments from Ministers	Yes/No

Signed:

Hon Chris Bishop
Minister for Infrastructure

Date:

Appendix 1:

Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. Give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. Comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in s22
 - b. you are satisfied the project involves an ineligible activity (s5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s 17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at this initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities,
 - b. the Minister for the Environment and relevant portfolio Ministers
 - c. the relevant administering agencies
 - d. the Māori groups identified by the responsible agency
 - e. the owners of Māori land in the project area:
 - f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.

**Appendix 2: Application documents for Stella Passage Development Project:
(in File Exchange)**

Appendix 3: List of the Māori groups referred to in section 18(2)