Capital and Maintenance Dredging Reconsenting: draft Regional Council Conditions

Draft conditions for Resource Consent RM-XXX – Capital and Maintenance Dredging

A resource consent:

- Under section 12(1) and 12(2)(b) of the RMA and Rule PZ10 and PZ13 of the Bay of Plenty Regional Coastal Environment Plan for the discharge to and disturbance of the foreshore and seabed associated with capital dredging activities for the shipping channels of the Port of Tauranga; and

- Under sections 12(1), 12(2)(b) and 15(1) of the RMA and Rule PZ5 of the Bay of Plenty Regional Coastal Environment Plan for the discharge to and disturbance of the foreshore and seabed associated with maintenance dredging activities for the shipping channels of the Port of Tauranga;

- Under sections 12(1)(d) and 15A(1)(a) of the Resource Management Act 1991 and Rules PZ12, CD8 and DD14 of the Bay of Plenty Regional Coastal Environment Plan to deposit dredged material at existing deposition sites in the Coastal Marine Area; and

- Under section 12(2)(b) of the Resource Management Act 1991 and Rule DD14 of the Bay of Plenty Regional Coastal Environment Plan to remove dredged material from the Coastal Marine Area; and

- Under sections 12(1)(d) and 15A(1)(a) of the Resource Management Act 1991 and Rule DD 14 of the Bay of Plenty Regional Coastal Environmental Plan to deposit dredged material for the purposes of beach renourishment in the Coastal Marine Area.

subject to the following conditions:

1 Purpose of This Consent

1.1 To authorise and set conditions for the dredging of material from the coastal marine area for the purposes of deepening, widening and maintaining the navigational channels of the Port of Tauranga. This consent also authorises the deposition of dredged material at offshore disposal sites, the removal of dredged material from the coastal marine area and the use of dredged material for beach renourishment.

2 Location

2.1 Tauranga Harbour shipping channels, entrance and deposition sites as shown on the plans attached to this resource consent titled as follows:

(a) The Port of Tauranga plan entitled *Capital Dredging Reconsenting, Drawing Number 324-250-1*; and

(b) The Port of Tauranga plan entitled *Maintenance Dredging Reconsenting, Drawing Number 324-250*; and

(c) The Port of Tauranga plan entitled *Deposition Sites Reconsenting, Drawing Number 324-250-2.*

2.2 Map References

Name of Area	Approximate NZGD2000 Map Reference (midpoint)
No.1 Reach	37 36 47.495 S,176 10 21.427 E
No. 2 Reach	37 37 51.830 S,176 09 49.159 E
Cutter Channel	37 38 23.979 S,176 10 16.765 E
Maunganui Roads	37 38 58.509 S,176 10 50.854 E
Stella Passage	37 39 41.693 S,176 10 42.733 E
Deposition Site A	37 37 37.074 S,176 10 55.244 E
Deposition Site B and C	37 38 16.790 S,176 12 11.732 E
Deposition Site H	37 36 42.732 S,176 12 58.708 E

3 Consent Duration

This consent will expire 35 years from the date on which the consent commences.

4 Relationships

Relationship of Iwi and Hapū with Te Awanui/Tauranga Harbour

4.1 The relationship of iwi and hapū with Te Awanui/Tauranga Harbour is to be recognised and provided for by the consent holder through:

(a) In conjunction with Consents RM26-0055-DC and RM26-0055-LC invitations to the Stella Passage Development Advisory Group (SPDAG) to engage with the consent holder as follows:

i. at least quarterly for the first two (2) years following the formation of the SPDAG under Consents RM26-0055-DC and RM26-0055-LC and thereafter twice per year or otherwise at a frequency in accordance with condition 3.4 of Consents RM26-0055-DC and RM26-0055-LC. These meetings may occur concurrently with SPDAG meetings required by Consents RM26-0055-DC and RM26-0055-LC.

ii. An annual strategic planning meeting with the Port of Tauranga Limited's Chief Executive Officer and Chair of the Board of Directors (condition 4.3).

iii. Provision for involvement of the SPDAG under this Consent to review the Dredge Management Plan prior to any capital dredging (condition 15.6) if the SPDAG is formed.

(b) Review of Te Paritaha ongoing monitoring results (condition 21.5).

(c) Providing an opportunity for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour to carry out ceremonies in accordance with condition 4.2.

(d) A contribution of funds to the SPDAG established through Consents RM26-0055 DC and RM26-0055 LC to provide for ongoing projects that benefit the health of Te Awanui/Tauranga Harbour or that directly benefit iwi and hapū that have a relationship

with Te Awanui/Tauranga Harbour (including Mātauranga Monitoring) (condition 11).

(e) Funding towards education and research scholarships for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour (conditions 12.1 to 12.3).

4.2 At least twenty (20) working days prior to commencing the first occurrence of capital dredging operations under this consent, the consent holder must invite the SPDAG to carry out a ceremony at the site of the proposed dredging. The consent holder must confirm by notice in writing to the Chief Executive of the Bay of Plenty Regional Council or delegate that the opportunity to carry out a ceremony has been given and that it has been carried out where deemed appropriate by the SPDAG.

4.3 The consent holder must invite the SPDAG established under Consents RM26-0055-DC and RM26-0055 LC to attend a meeting annually with at least the Port of Tauranga Limited's Chief Executive Officer and Chair of the Board of Directors. The purpose of the annual meeting (in conjuntion with Consents RM26-0055-DC and RM26-0055-LC) is to involve iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour to be part of the strategic planning of the Port of Tauranga and to provide an opportunity to raise and discuss any cultural effects-based concerns. This includes, but is not limited to, a discussion around the details of the works authorised by this Consent and Consents RM26-0055-DC and RM26-0055-LC. The consent holder must provide at least twenty (20) working days' notice of the proposed meeting date. The consent holder must confirm by notice in writing to the Chief Executive of the Bay of Plenty Regional Council or delegate that the opportunity to undertake the annual meeting has been provided to the SPDAG.

5 Stella Passage Development Advisory Group

5.1 To recognise Te Awanui / Tauranga Harbour as a taonga and provide for the kaitiakitanga of iwi and hapū, the SPDAG is to be formed in accordance with Consents RM26-0055-DC and RM26-0055-LC.

The purpose of the SPDAG is to provide a tikanga-based forum to facilitate active engagement between the consent holder and iwi and hapū to discuss the implementation of this Consent and Consents RM26-0055-DC and RM26-0055-LC and the collective leadership to recognise Te Awanui/Tauranga Harbour as a taonga. The SPDAG shall:

(a) provide a forum for regular engagement between the consent holder and iwi and hapū with kaitiaki relationships to Te Awanui / Tauranga Harbour;

(b) review the Dredge Management Plan prior to any capital dredging;

(c) enable the consent holder to report on the progress of consent implementation; and

(d) enable iwi and hapū to provide feedback and raise concerns regarding the implementation of this consent.

5.2 The consent holder shall undertake the functions of Condition 3.4 of Resource Consents RM26-0055-DC and RM26-0055-LC in conjunction with this Resource Consent.

5.3 If the SPDAG established under Consents RM26-0055-DC and RM26-0055-LC is not formed when this Consent commences, requirements of the consent holder in relation to

the SPDAG should be read as requirements in relation to the Tauranga Moana Iwi Customary Fisheries Trust (TMICFT), until such time as the SPDAG is established.

6 Lapse Date

6.1 This resource consent shall lapse if the activities authorised have not commenced within ten years of the granting of the resource consent.

7 Certification

7.1 Where any condition of this resource consent requires the consent holder to submit a document to the Chief Executive Officer of the Bay of Plenty Regional Council or delegate ('**the CEO**') for 'certification' the process set out in clauses 7.1 (a) to (e) shall be followed by the consent holder:

(a) The consent holder shall supply the document to the CEO, and the CEO will assess the documentation submitted to ensure that it achieves the requirements of the relevant condition(s) of consent (including if the document meets the purpose(s) and content requirements set out in the condition(s) of this resource consent);

(b) Should the document(s) supplied in accordance with clause (a) of this condition, in the opinion of the CEO, achieve the requirement(s) of the relevant condition(s), the CEO will issue written confirmation (which shall constitute 'the certificate') to the consent holder that the requirement(s) of the relevant condition(s) have been satisfied;

(c) If the CEO is not satisfied that the document(s) supplied in accordance with clause (a) achieve the requirement(s) of the relevant condition(s), the CEO shall advise the consent holder (in writing) of the changes, including additional information or measures, it considers necessary to meet the requirement(s) of the relevant condition(s) and ask that the document(s) be modified so as to address the concerns, and then be resubmitted;

(d) This process shall be repeated until the CEO is able to certify that the requirement(s) of the applicable condition(s) have been satisfied; and

(e) Where no written confirmation (or recommended changes or further information requests), pursuant to clauses (b) to (d) of this condition is provided within 60 working days of a document(s) being provided to the CEO, the document(s) shall be deemed to be certified for the purpose of the respective condition(s) to which the document pertains. Where a suite of conditions relating to the production of a management plan specify a timeframe that is shorter than 60 working days, they shall prevail over the timeframe set in this condition.

7.2 The consent holder shall exercise this resource consent in accordance with:

(a) The conditions of this resource consent; and

(b) A certified version of documents required by the conditions of this resource consent.

8 Independent Suitably Qualified and/or Experienced Expert

8.1 For the purposes of this resource consent, the phrase 'Independent Suitably Qualified and/or Experienced Expert' means a person or persons:

(a) That is not an employee of the consent holder; and

(b) Who has a recognised qualification(s) relevant to the topic being assessed; and

(c) Who has at least seven (7) years relevant experience in the topic being assessed; or

(d) A person approved (in writing) by the Compliance Manager of the Bay of Plenty Regional Council (**'the Compliance Manager'**) as being acceptable.

9 Notification

9.1 The consent holder shall notify (in writing) the Compliance Manager (*see **Advice Note 2***), the Biosecurity Department at the Bay of Plenty Regional Council, the Bay of Plenty Harbourmaster, the TMICFT and the SPDAG of its intention to commence dredging no less than 20 working days prior to each dredging operation. Notice shall include as a minimum:

(a) the area to be dredged;

(b) the depth(s) proposed to be achieved;

(c) an assessment of dredging volumes and whether those volumes consist of capital dredging or maintenance dredging;

(d) an assessment of the material types expected to be dredged;

(e) the expected duration of the dredging operation;

(f) a plan for the disposal of dredged materials;

(g) the name and contact details of the person with responsibility for supervising the works;

(h) the Departure Port for each Vessel to be used under this consent;

(i) the Biofouling Management Plan ('**BFMP**') in accordance with condition 16.2 for each Vessel to be used under this resource consent.

9.2 No less than 10 working days prior to the start of dredging the consent holder shall notify (in writing) the Tauranga Coastguard, Hoe Aroha Whanau o Mauao, Tauranga Moana Outrigger Canoe Club, Mount Maunganui Yacht Club, Tauranga Yacht & Power Boat Club, Tauranga Marina Society and Tauranga Bridge Marina, or a successor entity for any of these entities notified to the CEO, of the following:

(a) the intention to start dredging;

(b) the area to be dredged;

(c) A contact number of the consent holder;

(d) the period during which dredging is expected to occur; and

(e) any restrictions that will apply to navigation during the dredging.

9.3 No less than 10 working days prior to the start of dredging the consent holder shall post a notice on its website of its intention to commence dredging authorised by this resource consent.

10 Cultural Monitoring of Dredge Operations

10.1 Subject to condition 10.2, the consent holder must provide an opportunity via the Tauranga Moana Iwi Customary Fisheries Trust for a Cultural Monitor to be present during all dredging operations authorised by this consent, provided that the Cultural Monitor can comply with all health and safety requirements. The consent holder must provide records of communications inviting cultural monitors to be present for dredging operations to the Compliance Manager of the Bay of Plenty Regional Council if requested.

10.2 The role of the Cultural Monitor includes:

(a) Being present on the dredge (Trailing Suction Hopper Dredge (**TSHD**) or Back Hoe Dredge) to observe the dredge plume;

(b) Reporting back to the SPDAG as may be required by the group;

(c) Identification of any cultural artefacts that may be uncovered during dredging;

(d) Checking that deposition of dredged material is occurring in the consented deposition site (in accordance with condition 14); and

(e) Checking that any rubbish collected in the draghead is taken ashore and disposed of appropriately.

10.3 The consent holder must pay the reasonable costs associated with the Cultural Monitor role being undertaken in accordance with conditions 10.1 and 10.2.

11 Projects That Will Benefit the Cultural Health of Te Awanui

11.1 The consent holder shall provide to the SPDAG established under Consents RM26-0055-DC and RM26-0055-LC funding for the SPDAG to invest in projects of its choosing and administrative support. The purpose of the fund is to provide for projects that contribute to the mātauranga monitoring (including the assessment of mauri and cultural health indicators), and restoration of the health of Te Awanui/Tauranga Harbour, and any other projects deemed appropriate by the SPDAG. In determining its funding priorities, the SPDAG may have regard to monitoring undertaken under these consents. The value of the funding is to be as follows:

(a) A one-off payment of $1,000,000 within one month of the first maintenance dredging campaign.

(b) Payments for capital dredging as follows:

i. $50,000 within one month of deepening the passing lane in the corner of No. 1 Reach;

ii. $200,000 within one month of any stage of dredging deepening the No. 1 Berth Approach and Sitting Basins.

11.2 The consent holder shall provide to the TMICFT funding to invest in projects of its choosing. The purpose of the fund is to provide support for administration of the the TMICFT and projects that contribute to the customary fisheries and mataitai restoration, and any other projects deemed appropriate by the TMICFT. The value of the funding is to be as follows:

(a) A one-off payment of $1,625,000 within one month of the first maintenance dredging campaign

(See **Advice Note 10** regarding *Augier* conditions, which applies to condition 11.1 and 11.2).

12 Scholarship

12.1 The consent holder shall provide for research and education scholarships for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour for the duration of the consent. The recipients shall be selected by the SPDAG.

12.2 Upon commencement of the Consent, the consent holder shall fund three scholarships per year to the value of $2,000 (adjusted annually for inflation in accordance with the CPI index) for up to three years of study.

(See **Advice Note 10** regarding *Augier* conditions, which applies to condition 12.1 and 12.2).

12.3 The purpose of the scholarships is to provide for education and/or research that promotes a better understanding of Te Awanui/Tauranga Harbour, improvements to the health of Te Awanui/Tauranga Harbour and capacity enhancement within iwi/hapū. Research funded by the scholarships may include (but is not limited to):

(a) Kaimoana species/restoration of kaimoana.

(b) Ecological corridors within Te Awanui/Tauranga Harbour and how they may be enhanced.

(c) Mātauranga māori.

(d) Cultural health indicators.

(e) Living seawalls/living structures.

(f) Coastal erosion management.

(g) Climate change (such as impacts or blue carbon initiatives).

13 Authorised Quantities

13.1 The maximum volume of excavation for capital dredging shall not exceed 800,000 cubic metres, over the term of this resource consent.

13.2 The maximum volume of material from capital dredging to be deposited shall not exceed 2,300,000 cubic metres, over the term of this resource consent.

13.3 The maximum volume of maintenance dredging and material from maintenance dredging to be deposited shall not exceed 250,000 cubic metres per annum averaged over ten years with a maximum of 350,000 cubic metres in any year.

14 Dredging Works

14.1 All works associated with the dredging operation authorised by this resource consent shall be carried out in accordance with the application, specifically *Section 3 – Description of the Proposed Activity – of the document entitled 'Capital and Maintenance Dredging Reconsenting, Port of Tauranga Limited Fast-track Approvals Act 2024, Substantive Application Report'.*

14.2 The consent holder shall carry out bathymetric surveys at all dredge sites both prior to and after dredging. The bathymetric survey shall be sufficient to enable an assessment of the volume of material dredged.

14.3 The consent holder shall forward the results of the bathymetric surveys required by condition 14.2 to the Compliance Manager within 30 working days of the completion of each survey. The reporting of results shall include an analysis of the result of the bathymetric surveys showing areas and extent of geomorphologic change.

14.4 The consent holder shall ensure that a minimum distance of 100 metres is maintained between any dredging activity and Te Kuia Rock located at 37 37 42.773 S,176 09 58.902 E.

14.5 All vessels associated with the exercise of this resource consent (hereafter referred to as 'a Vessel') (*see* ***Advice Note 3***) shall comply with the Marine Mammal Protection Act Regulations 1992.

14.6 The consent holder shall ensure that no contaminants, including fuel oils, enter the harbour waters as a result of these works.

14.7 The consent holder shall ensure that the vessels and dredge equipment used for the works are regularly maintained, including lubrication and repair of winches, generators, propulsion components and other potential noise sources in order to minimise the levels of underwater noise that are generated by dredging.

14.8 The consent holder shall ensure that:

(a) All dredge Vessels have covered waste bins and debris retrieval nets;

(b) Any waste or equipment that enters the water from the dredge Vessel(s) is promptly retrieved (if safe to do so) and disposed of onshore; and

(c) Marine debris recovered during the process of dredging is retrieved for safe disposal onshore.

14.9 With the exception of the areas identified in condition 14.14, all material shall be deposited at "Site H" as shown on the Port of Tauranga plan entitled *Deposition Sites Reconsenting, Drawing Number 324-250-2*.

14.10 When material is deposited at "Site H" material with a high (greater than 25% by weight) proportion of silt, as measured under condition 20.1, shall be dumped on the seaward side of "Site H" as shown on the Port of Tauranga plan entitled *Deposition Sites Reconsenting, Drawing Number 324-250-2.*

14.11 When material is deposited at “Site H” the consent holder shall ensure, as far as is practicable, that the material is spread over the disposal area to ensure that the mound created by depositing is as low as possible.

14.12 Clean material sourced from No. 1 and No. 2 Reach as shown on the Port of Tauranga plan entitled *Maintenance Dredging Reconsenting, Drawing Number 324-250* during maintenance dredging shall be deposited at Sites B or C. Shell content shall be monitored when dredging the entrance channel and if noted as higher than would be expected on the beach, shall be deposited at Site H1.

14.13 Notwithstanding conditions 14.9 to 14.12 the consent holder shall deposit specified volumes of material at Sites A, B, or C if so directed by the CEO (*see **Advice Note 4***).

14.14 Notwithstanding conditions 14.9 to 14.12, the consent holder may use volumes of clean suitable dredged material for beach nourishment purposes (with nourishment occurring above and below mean high water springs) with the agreement of the Tauranga City Council and prior written approval of the CEO. (*see **Advice Note 5)***

14.15 Furthermore and also notwithstanding conditions 14.9 to 14.12 and 14.14 the consent holder may, at its sole discretion, remove up to 500,000 cubic metres of dredged material from the coastal marine area over the 35-year duration of these resource consents.

Project Noise Standards

14.16 The consent holder shall comply with **Project Noise Standards** specified in condition 14.17 when measured and / or assessed one (1) metre from the façade of any occupied building in accordance with NZS 6803:1999 *Acoustics - Construction Noise.* The Project Noise Standards do not apply at any building that is not occupied during works, or at any property or building under the ownership or control of the consent holder (or its entities or subsidiaries).

14.17 The Project Noise Standards (*see **Advice Note 6***) are listed in **Table 1** and **Table 2** and in condition 14.18.

Table 1: NZS 6803 recommended long term duration noise limits for construction noise received at any residential or rural dwelling, or any building where it is necessary to manage sleep disturbance

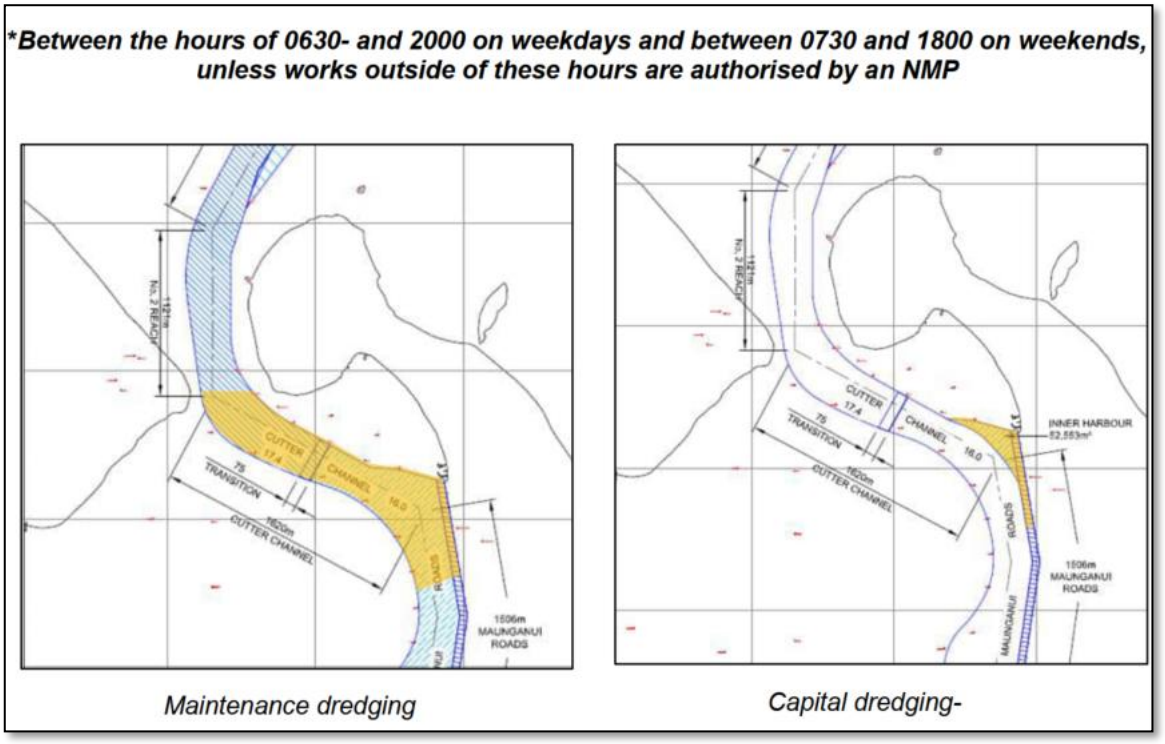
Time of week	Time period	Noise limit L_{Aeq}	Noise limit L_{AFmax}
Weekdays	0630-0730	55 dB	75 dB
	0730-1800	70 dB	85 dB
	1800-2000	65 dB	80 dB
	2000-0630	45 dB	75 dB
Saturdays	0630-0730	45 dB	75 dB
	0730-1800	70 dB	85 dB
	1800-2000	45 dB	75 dB
	2000-0630	45 dB	75 dB
Sundays	0630-0730	45 dB	75 dB
	0730-1800	55 dB	85 dB
	1800-2000	45 dB	75 dB
	2000-0630	45 dB	75 dB

Table 2 - NZS 6803 recommended long term duration noise limits for construction noise received at occupied industrial or commercial buildings for all days of the year

Time Period	Long-term duration
	L_{Aeq}
0730-1800	70 dB
1800-0730	75 dB

14.18 Works inside the areas shown in **Figure 1** must only be undertaken between the hours of 0630 and 2000 on weekdays and between the hours of 0730 and 1800 on weekends. Works may occur outside of these hours where a Noise Management Plan that complies with the requirements of condition 14.19 is developed and certified in accordance with the process in condition 7.1.

Figure 1: Noise limitation areas (shaded yellow)



14.19 Any Noise Management Plan pursuant to condition 14.18 shall demonstrate that the Vessel and plant selected for the work will comply with the Project Noise Standards (**Tables 1** and **2**) that apply during the proposed hours of work. The Noise Management Plan shall identify any controls (i.e. operating in specific meteorological conditions, or other physical or management-based mitigation measures) that may be required to ensure compliance with the Project Noise Standards. The works must be carried out in accordance with the certified Noise Management Plan.

Navigation Standards

14.20 The consent holder shall ensure that, at all times, items on the dredging/works Vessels are secure to ensure no equipment, materials or packaging can come loose and cause a navigational hazard.

14.21 The consent holder shall ensure that any dredging/works Vessels are properly secured when not crewed to ensure they do not come adrift and cause a navigation hazard. In addition, the Vessels should also be secured such as to prevent unauthorised persons moving the Vessels. Should a vessel used by the consent holder in the exercise of this resource consent become adrift, the consent holder shall immediately on becoming aware of the vessel becoming adrift, move to recover and secure the vessel. The Harbourmaster shall be notified (by the consent holder) of the vessel becoming adrift and, after it is recovered and secured, of the cause of the vessel becoming adrift and the measures the consent holder will take to prevent any reoccurrence.

14.22 The consent holder shall ensure that, aside from the Vessel's own navigation lights and those required for workplace health and safety, lighting is only used to illuminate the works areas and is managed so it does not cause a distraction, dazzling, or temporary blinding to other water users, or interfere with fixed or the Vessel's own Aids to Navigation.

14.23 The consent holder shall ensure, at all times, that no items, equipment, materials or packaging can be lost overboard from the dredging / works Vessels and so cause a navigational or environmental hazard.

14.24 If the consent holder or Vessel crew identify that any equipment, packaging or other materials on board Vessels being used by the consent holder in the exercise of this resource consent have been lost overboard and could cause a navigational or environmental hazard, the consent holder shall:

(a) Immediately notify the Harbourmaster and Port Control (Customer Service Centre);

(b) Provide details (location and objects of concern); and

(c) Make the best efforts to immediately minimise the hazard to navigation or the environment and have recovered the equipment, packaging or other materials that have been lost from the vessel.

15 Dredge Management Plan

15.1 The consent holder shall prepare a Dredge Management Plan ('**the DMP**') in accordance with the draft DMP submitted with the application and condition 15.2 prior to commencement of any dredging operations under this consent.

15.2 The purpose of the DMP is to provide details of the planned dredging operations authorised by this resource consent, details of the measures that will be implemented to address the potential effects of dredging (particularly in relation to the risk of redistribution of invasive pest species that may be present and the effects of sediment plumes), outline the process for monitoring and the response framework. The final DMP must include, as a minimum:

(a) The area to be dredged.

(b) Methodology for undertaking the dredging operations.

(c) Details of water quality monitoring to be undertaken as required by condition 19.

(d) Controls for minimising sediment discharges to ensure the discharges comply with the limits set in this consent;

(e) Contingency measures proposed to manage discharge activities and methods for the avoidance of ecological effects from turbidity.

(f) Waste management measures consistent with condition 14.8 to retrieve waste and marine debris while dredging.

(g) Proposed deposition of dredged material.

(h) Evidence of consultation undertaken in accordance with **Condition 15.4**.

(i) A Noise Management Plan if required by condition 14.18.

15.3 The consent holder shall consult with the Harbourmaster in the drafting of the DMP.

15.4 Prior to each capital dredging campaign the consent holder must share the DMP with the SPDAG and must:

(a) invite the SPDAG to provide comment on the DMP and provide at least twenty (20) working days for the SPDAG to provide comment.

(b) take into account any advice and/or recommendations provided by the SPDAG within the timeframe provided.

(c) If any advice and/or recommendation is not to be adopted in the final DMP, provide the SPDAG with a written explanation as to why.

15.5 The consent holder shall provide the DMP and any subsequent modified DMPs for certification as provided for in condition 7.1.

15.6 The consent holder shall ensure that the dredging campaign is undertaken in accordance with the most recent certified DMP.

16 Biosecurity

16.1 Where a Vessel enters Tauranga Harbour having sailed from outside of New Zealand's territorial waters and having not berthed in another Port in New Zealand prior to entering Tauranga Harbour the consent holder shall ensure the Vessel complies with both the Craft Risk Management Standard (CRMS 2023) and International Convention for the Control and Management of Ships' Ballast Water and Sediments, copies of which are attached as **Annexure A** to this resource consent.

16.2 The consent holder shall ensure that each Vessel used in the exercise of this resource consent has a BFMP. The BFMP shall have an objective of providing information to enable any risk from biofouling, ballast water or entrained sediments to be assessed and appropriately mitigated, and shall be consistent with the Ministry for Primary Industries requirements (*see **Advice Note 8***). The BFMP shall include measures for sediment in the hopper and records of treatment system and inspection records. Each BFMP shall be supplied to the Compliance Manager 20 working days prior to the Vessel's planned arrival date in the Tauranga Harbour.

16.3 If the Compliance Manager, having reviewed the BFMP provided in accordance with condition 16.2 determines that the Vessel presents an elevated risk from biofouling, the consent holder shall, prior to the Vessel's arrival in Tauranga Harbour undertake an in-water survey of the Vessel's hull. Having completed the in-water survey, the consent holder shall engage a party to undertake the hull maintenance needed to remove any biofouling risk or provide documentation to the Compliance Manager to prove compliance with Rule 1 of Rule 7A of the Regional Pest Management Plan, a copy of which is attached as Annexure B to this resource consent.

16.4 If the Compliance Manager, having reviewed the BFMP provided in accordance with condition 16.2**,** determines that the Vessel presents an elevated biosecurity risk due to its ballast water and/or water in the hopper, the consent holder shall ensure that the Vessel undertakes an exchange of ballast water and/or water in the hopper a minimum of 12 Nautical Miles (being outside of New Zealand's territorial waters) from Tauranga Harbour. For the avoidance of doubt, any exchange of water undertaken in accordance with this condition shall be undertaken before the Vessel enters the Tauranga Harbour.

16.5 The consent holder shall submit a Risk Management Assessment prepared by a suitably qualified and experienced expert when the Compliance Manager determines that the risk profile associated with a biosecurity issue in or adjacent to the areas of the Harbour being dredged and/or disposal areas has changed. The Compliance Manager shall instruct, for the purposes of this condition, when a Risk Management Assessment is required.

16.6 The Risk Management Assessment required by condition 16.5 shall assess the risk of the introduction or spread of marine pests and consider alternative disposal / treatment measures (such as land disposal or the disposal of the dredged material to alternate offshore sites).

16.7 The consent holder shall submit the Risk Management Assessment to the CEO for certification as specified in condition 7.1. Once certified, the consent holder shall implement all recommendations and actions arising from the certified Risk Management Assessment.

16.8 The consent holder shall make annual payment of $10,000.00 to the Regional Council for ongoing monitoring of marine pests in the Tauranga Harbour.

(See **Advice Note 10** regarding Augier conditions, which applies to condition 16.8).

17 Biofouling Non-Compliance

17.1 Where the CEO advises the consent holder that a Vessel is not complying with one or more of the requirements conditions 16.1 to 16.7, the CEO may, by written notice, require the Vessel to cease working until evidence is provided to demonstrate compliance.

17.2 If a non-compliant Vessel is identified during operations:

(a) The consent holder must stop using it for the consented activity;

(b) Notify the Bay of Plenty Regional Council within 24 hours; and

(c) Undertake cleaning/treatment and re-inspection before re-use.

18 Marine Pest Incident Response

18.1 If the consent holder or Vessel crew identifies a high-risk pest species in dredged material, on the Vessel's hull, or at disposal sites, the consent holder shall:

(a) Immediately notify the Biosecurity NZ and the Compliance Manager, who will determine whether a Risk Management Assessment is required in accordance with condition 16.5;

(b) Provide details (location, species, how observed); and

(c) Suspend any relevant operations until the Compliance Manager has confirmed that no Risk Management Assessment is required or the requirements of condition 16.5 to condition 16.7 have been met.

19 Water Quality

Water quality sampling sites and frequency during dredging

19.1 On every second day that dredging occurs in accordance with this resource consent, the consent holder shall, during excavation operations, measure turbidity levels by taking water samples or readings in accordance with condition 19.4 from the following sites:

(a) To determine the natural background turbidity levels:

- 500 metres up current (away from the direction of the sediment plume) of the active dredge (which shall determine the natural background turbidity levels); and

(b) To determine the turbidity within the water column during dredging operations:

- When a back-hoe digger dredge is used 600 metres down current from the dredged area, unless the plume is going under Aerodrome Bridge in which case the plume shall be measured at Aerodrome Bridge.

- Otherwise 200 metres down current from the dredged area.

Dredged area is that shown on plans 324-250 and 324-250-1.

Turbidity Levels

19.2 If the results of three consecutive measurements taken under condition 19.1 (a) and (b) are equal to or below 15 NTU above the natural background turbidity levels (as measured at the site set out in condition 19.1(a)) for three consecutive measurements, then the consent holder may suspend the monitoring required by condition 19.1 for nine (9) consecutive days.

19.3 If the change in turbidity within the water column during dredging operations (as measured at the site set out in condition 19.1(b)) is greater than 15 NTU above the natural background turbidity levels (as measured at the site set out in condition 19.1(a)) for three consecutive measurements then the consent holder shall:

(a) Immediately upon becoming aware of the change in turbidity, cease dredging operations;

(b) Notify the Compliance Manager and the SPDAG; and

(c) Appoint an expert to research and report on any adverse environmental effects that resulted from the exceedance of turbidity levels, and whether any avoidance, remediation or mitigation is required to address the adverse effects to the point where they are minor (or less). The expert report shall be certified in accordance with condition 7.1. Once the report is certified, the consent holder shall implement the recommendations contained within the certified report to avoid, remedy or mitigate any adverse effects.

(d) Where dredging operations have ceased as a result of condition 19.3(a), the consent holder shall not recommence dredging operations without the prior agreement (in writing) of the Compliance Manager.

Method of Sampling

19.4 The water samples required by condition 19.1 shall be carried out as follows:

(a) Two water samples shall be taken from each site, one from the surface and the other from the mid-depth of the water column or by taking a minimum of two readings from a turbidity metre 1 metre below the surface;

(b) At the time the water samples are taken, the consent holder shall note:

(i) The time;

(ii) The stage of the tide;

(iii) The weather conditions;

(iv) The sea conditions, including the prevailing wind direction, speed, wave height and period.

(c) The water samples shall be analysed as soon as practicable for turbidity.

(d) The sampling and analysis required by these conditions shall be carried out in accordance with the latest edition of: "*Standard Method for the Examination of Water and Wastewater APHA, AWWA, WEF"* or such other method as may be agreed in writing by the CEO.

19.5 The consent holder may submit a **Continuous Turbidity Monitoring Plan ('CTMP')** in accordance with condition 7.1 of this resource consent. The CTMP shall include details of the continuous turbidity monitoring proposed, including the following:

(a) A description of the reliability and accuracy of the continuously sampled data;

(b) Sampling locations;

(c) Proposed data transformation, such as six hourly exponentially weighed moving average;

(d) Proposed response levels and environmental limits; and

(e) Accessibility of results.

19.6 If a CTMP submitted under condition 19.5 and certified in accordance with condition 7.1 includes an alternative regime of monitoring to that described in condition 19.1, the monitoring under those conditions may be discontinued in lieu of the monitoring required under the certified CTMP.

Deposition Operations

19.7 The consent holder shall undertake the deposition operations so that the difference in surface water turbidity between locations 100 metres outside the updrift boundary of the deposition site and 100 metres outside the downdrift boundary of the deposition site shall not exceed 5 NTU.

19.8 Once every week that deposition is occurring at "Site H" under the authority of this resource consent, the consent holder shall take water samples or turbidity readings at locations 100 metres outside the updrift and downdrift boundaries of deposition "Site H".

19.9 The consent holder shall undertake water monitoring required by condition 19.8, on a day that deposition is being carried out. Test samples or readings shall be representative of any plume generated by the deposition operation.

19.10 If the results of three consecutive measurements taken in accordance with condition 19.8 indicate less than 5 NTU change in turbidity between the updrift and downdrift sites, monitoring of water turbidity for that deposition operation can be suspended for 30 days.

19.11 In the event that the level specified in condition 19.7 is exceeded, the sampling procedure shall be repeated daily for three consecutive days whilst deposition is carried out.

19.12 If the results of three consecutive measurements taken under condition 19.11 record turbidity changes of greater than 5 NTU, the consent holder shall:

(a) Immediately cease deposition operations;

(b) Activate appropriate contingency plans to remedy or mitigate any unacceptable effects detected;

(c) Notify the Compliance Manager and the SPDAG;

(d) Consult with the Compliance Manager over possible explanations for the exceedance; and

(e) Implement any modifications to the deposition operation that the Compliance Manager considers appropriate following the consultation under condition 19.12(d).

19.13 Where deposition operations have ceased as a requirement of condition 19.12, the consent holder shall not recommence deposition operations without the written approval of the Compliance Manager.

20 Monitoring dredged material

20.1 The consent holder shall, for each month that the deposition operation continues, take a sample from the hopper of the dredge disposal Vessel and analyse the sample for proportion of silt content by weight.

20.2 The consent holder shall undertake the sampling required under condition 20.1 in such a manner that a sample representative of the sediment to be deposited is obtained.

20.3 In the event that monitoring required by condition 20.1 indicates that a significant proportion (where ‘significant’ means ‘greater than 5% by weight’) of the material dredged is found to be silt, the consent holder shall employ an appropriate dredging method to minimise the turbidity effects in the vicinity of the works.

21 Ecological Monitoring

21.1 The consent holder shall undertake reef biota monitoring, at a minimum of three sites near Motuotau Island. The monitoring shall be undertaken every two years following the commencement of this resource consent. The purpose of the reef biota monitoring is to

detect any impacts of dredge spoil disposal authorised by this resource consent on reef biota. The objectives of the surveys are to record:

(a) changes in the elevation of the seabed relative to the rocky reef, and

(b) changes in the biological community over time.

The monitoring shall include surveys (photographic or video transect surveys are to be undertaken) at the established monitoring sites near Motuotau Island as described in condition 21.2, or at replacement locations approved in writing by the Compliance Manager, and shall be undertaken in accordance with conditions 21.3 or 21.4.

21.2 The Motuotau Island reef biota monitoring sites shall be:

	NZGD2000 Map Reference	
Site 1 – Northeast of Motuotau Island	37 37 37.714 S	176 11 51.124 E
Site 2 – Seaward of Charlie's Reef and northeast of Wedding Cake Rock	37 37 34.222 S	176 11 27.647 E
Site 3 – Southeast of Motuotau Island	37 37 54.704 S	176 11 48.371 E

21.3 The reef monitoring undertaken in accordance with conditions 21.1 and 21.2 shall also include:

(a) The distance from the bottom (deepest) pin to the reef-sand boundary at each site. This measurement shall be the shortest distance between the marker pin and the reef-sand boundary (referred to as seabed evaluation).

(b) At each site, a transect pipe shall be deployed between the top and the bottom marker pin, and then down to the reef-sand interface. Video or still images shall be recorded across the length of each transect and analysed to provide a qualitative assessment of the state of benthic communities at each site. Comparisons with data from surveys from previous years shall be based on images taken at both ends of the transect (top and bottom pin) as well as at two separate locations along the transect line.

21.4 Notwithstanding condition 21.3, the consent holder may undertake monitoring of the reef communities and habitat near Motuotau Island using an alternative methodology that has been submitted to and certified by the Compliance Manager in accordance with condition 7.1.

21.5 The consent holder shall undertake surveys of pipi (*Paphies australis*) communities on Te Paritaha every six months from the commencement of this resource consent. The purpose of the surveys is to assess spatial and temporal trends in pipi abundance, size, structure, and sediment characteristics across intertidal and subtidal environments. The surveys shall be undertaken in accordance with the Te Paritaha Monitoring Plan (**TMP**) (Boffa Miskell Ltd, 2023) (**Annexure C**) or any subsequently updated version of the TMP certified by the Compliance Manager in accordance with condition 7.1. Monitoring undertaken under Condition 13 of RM26-0055-DC and RM26-0055-LC may be used to satisfy this condition.

22 Monitoring of Surrounding Areas

22.1 The consent holder shall undertake annual bathymetric surveys of the Ebb-tide delta, the adjacent channel flank to Panepane Point and an adjacent topographical survey to determine the Mean High Water mark.

22.2 The consent holder shall undertake annual bathymetric surveys of Te Paritaha, Western Channel, Otumoetai Channel, Pilot Bay and Town Reach south of Stella Passage to the Harbour Bridge.

23 Recording and Reporting

23.1 The consent holder shall ensure that a marine mammal sightings form is completed by the dredge master for each mammal sighting made during dredging operations.

23.2 Any physical interaction between the dredge Vessel(s) and marine mammals must be reported immediately to the Compliance Manager and the Manager for the Tauranga Office of the Department of Conservation ('**DOC**').

23.3 An annual summary report of marine mammal sightings shall be provided to the Compliance Manager and DOC at the end of each calendar year (or within five (5) working days of any written request)

23.4 The consent holder shall provide the monitoring results obtained under 21.1, 22.1, 22.2 and 21.5 to the BOPRC Compliance Manager and SPDAG to inform mātauranga monitoring, restoration initiatives, and other projects determined by the SPDAG under Condition 11.

23.5 The consent holder shall forward a completion report to the Compliance Manager and the SPDAG within 30 working days of completion of each dredging and deposition campaign describing:

(a) The area excavated;

(b) The quantity of sediment removed;

(c) The quantity of sediment disposed of and the areas to which the sediment has been disposed;

(d) The quantity of sediment removed from the coastal marine area;

(e) The results of the bathymetric surveys required under condition 14.2;

(f) An analysis of the results of the bathymetric surveys showing areas and extent of geomorphologic change.

23.6 The consent holder shall ensure that changes to the charted depths on completion of the Capital Works are notified to the Harbourmaster and LINZ using the established maritime procedures to ensure that relevant nautical charts are updated to show the confirmed depths, the bottom profile, and any associated cautions.

24 Review of Conditions

24.1 The Bay of Plenty Regional Council may, within three months of receiving information from any of the bathymetric surveys or other monitoring data, serve notice on the consent holder under section 128(1)(a)(i) of the Resource Management Act 1991 of its intention to review conditions 19, 20, 21 and 22 of the resource consent. The purpose of such a review is to ensure that the monitoring regime is appropriate and can if necessary be amended.

24.2 The Bay of Plenty Regional Council may, during the month of June in the year 2029 and every three years thereafter until expiry of the consent, serve notice on the consent holder under section 128(1)(a)(i) or (iii) of the Resource Management Act 1991, of its intentions to review the conditions of this resource consent. The purpose of this is to ensure that the conditions of this resource consent are adequate to deal with one or all of the following:

(a) the effects of the exercise of this consent on the ecology (including shellfish resources) and water quality of Tauranga Harbour; and

(b) the effects of the exercise of this resource consent on the ecology and water quality of the Pacific Ocean; and

(c) the material available to the sediment budgets of the Matakana Island, Mount Maunganui and Pāpāmoa beaches and near-shore systems; and

(d) the appropriate mitigation of the environmental effects of the activity having regard to the available dredging technology; and

(e) the appropriate mitigation of the environmental effects of the activity having regard to the available deposition technology; and

(f) address any effects on cultural values that are identified by the SPDAG or parties involved in cultural monitoring undertaken in accordance with conditions 10.1 and 10.2 and that:

i. Have not yet been identified; and

ii. Result from the implementation of this resource consent.

25 Resource Management Charges

The consent holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council in accordance with section 36 of the Resource Management Act 1991.

Advice Notes

1 The consent holder is advised that failure to comply with all or any of the conditions of this resource consent may result in enforcement action being taken against the consent holder or their agents.

2 All notification and reporting required under this resource consent should be directed (in writing) to the Compliance Manager, Bay of Plenty Regional Council, PO Box 364,

Whakatane or fax 0800 884 882 or email notify@boprc.govt.nz, this notification shall include the consent number xxxx.

3 *"Vessel" means any dredge, barge, tug, workboat or floating plant used under this consent.*

4 *The Chief Executive of the Regional Council may direct (in writing) that material be deposited at alternative sites should monitoring show a shortage of sediment in those areas.*

5 *For the avoidance of doubt, Condition 14.14 enables dredged material to be stockpiled above or below the high water mark area for subsequent use in beach nourishment (both above and below the high water mark). The Bay of Plenty Regional Council recognises that mitigation of beach erosion can, in some cases, be relatively easily achieved by beach renourishment – which will need to be an ongoing programme of beach replenishment. The Bay of Plenty Regional Council will consider compatibility of material, hydrological processes, ecological values, cultural values and any potential adverse effects before approving any nourishment proposal.*

6 *The Project Noise Standards are taken from the New Zealand Standard 6803:1999 – Acoustics - Construction Noise (the Construction Noise Standard) and represent the appropriate standard for airborne noise from construction work (which includes dredging) generated from the CMA and received on land. The Project Noise Standards are the construction noise limits for long-term duration projects.*

7 *The 60 working day timeframe specified in Condition 7.1 shall apply to the first version of the DMP. The 20 working days only applies to the subsequent versions of the DMPs.*

8 *Ministry for Primary Industries requirements are documented in their document: "Guidance for vessel owners developing a Biofouling Management Plan", or a subsequent replacement.*

9 *Generally, the frequency of monitoring will be higher immediately following dredging campaigns.*

10 *The consent holder has offered conditions 11.1, 11.2, 12.1, 12.2 and 16.8 and agrees to be bound by them pursuant to the Augier principles.*

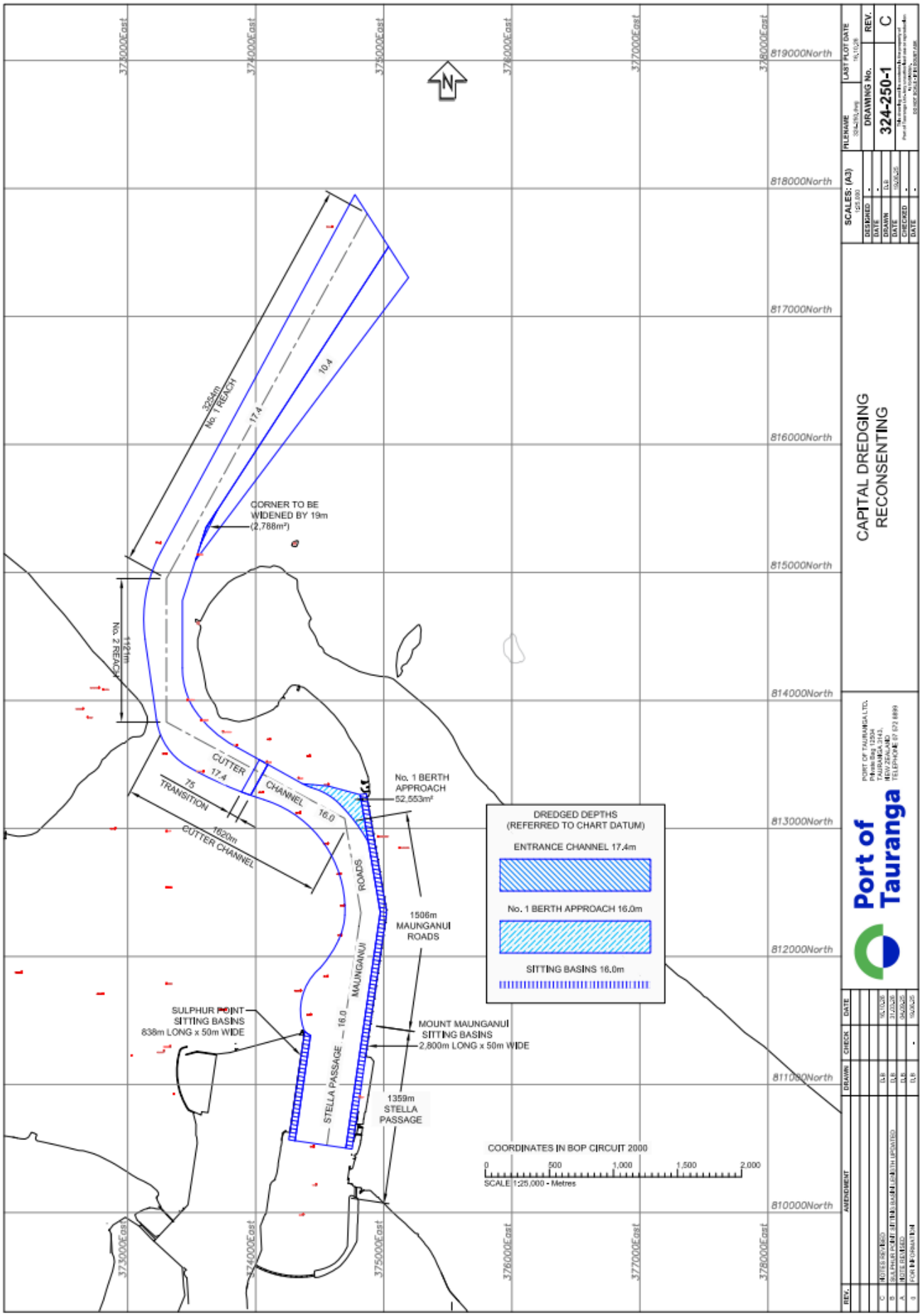


Figure 1: Proposed Capital Dredging

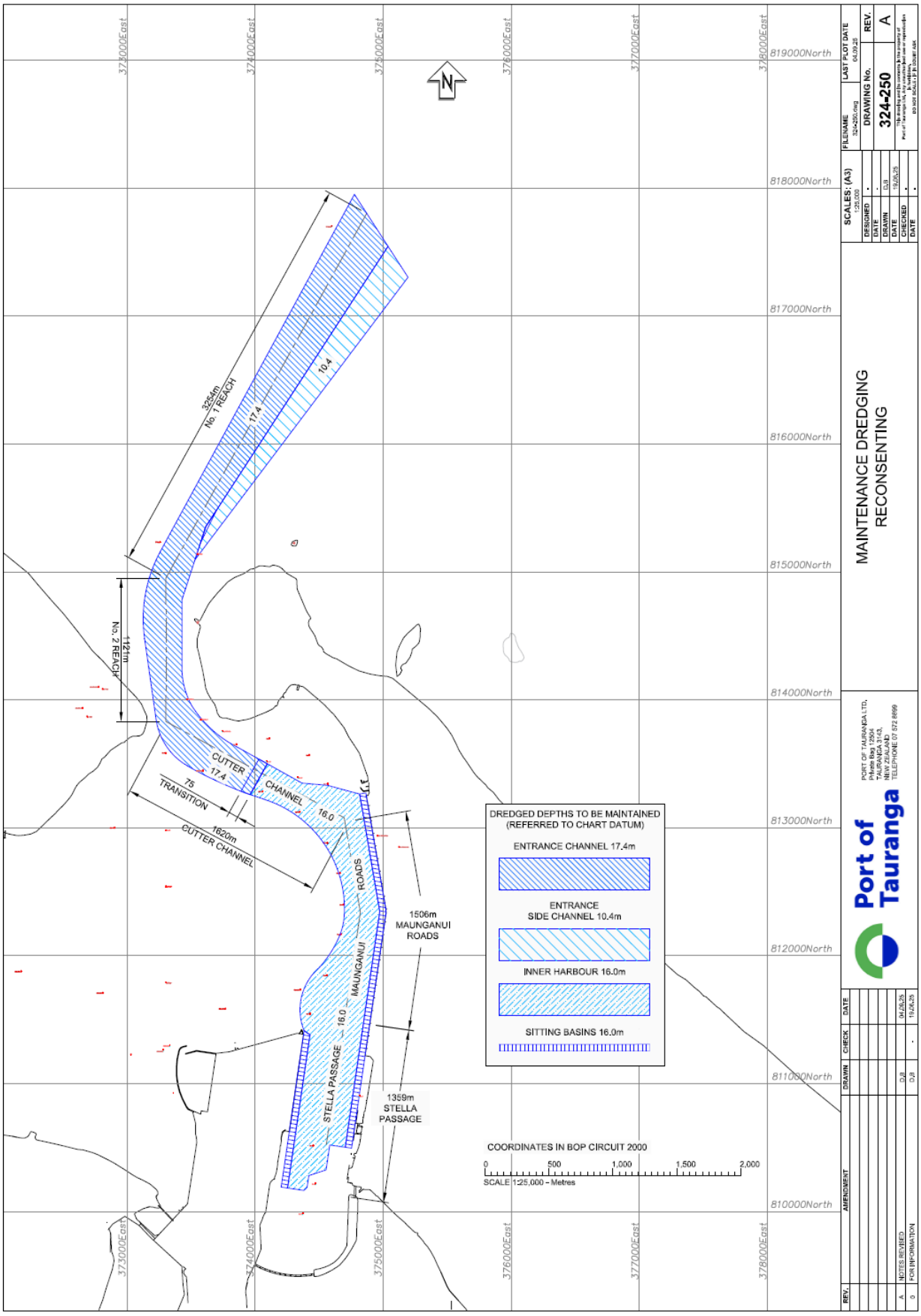


Figure 2: Proposed Maintenance Dredging

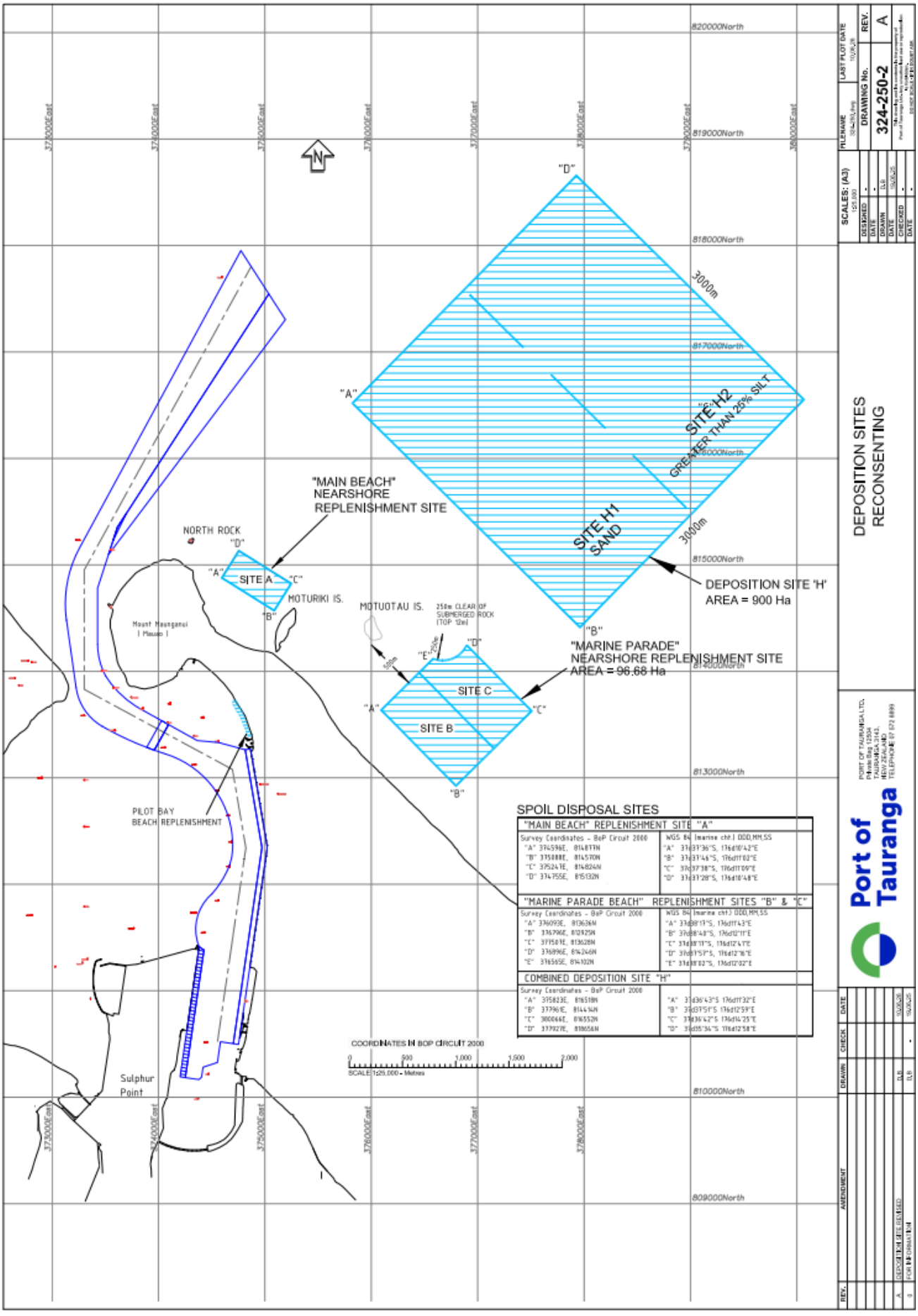


Figure 3: Deposition Sites

Annexure A: Craft Risk Management Standard (CRMS 2023) and International Convention for the Control and Management of Ships' Ballast Water and Sediments

Annexure B: Rule 1 of Rule 7A of the Regional Pest Management Plan

Annexure C: Te Paritaha Monitoring Plan, Boffa Miskell, 29 August 2023