

Port of Tauranga Stella Passage Fast Track – Pre-application consultation review BOPRC

Expertise	Comments
Coastal Bird – Graham Don	<p>Mr Don has concluded that the Applicant’s assessment of potential effects on birds is comprehensive, addresses the issues arising from the proposed project and provides measures for mitigation and avoidance. In particular, Mr Don notes:</p> <p><i>The final management proposals regarding both red-billed gull (At Risk species) and little blue penguin (At Risk species) follow ‘standard practice’ and experience elsewhere; both initiatives are a positive outcome of the development and have a high probability of enhancing the local breeding success of both species.</i></p> <p><i>The proposed management of the sand pile area is appropriate.</i></p> <p>Mr Don identified a small number of matters in Section 3 of the Assessment – Monitoring, that require addressing, as follows:</p> <ul style="list-style-type: none"> <i>(a) the reference to 5-minute counts is unclear as it is usually employed in terrestrial bird surveys; it would be better to simply count the birds in each sector each survey;</i> <i>(b) caution will be required regarding drone use and the potential to displace birds, especially birds congregated at a roost – drones represent a potential aerial predator and therefore a threat;</i> <i>(c) similarly, caution is advised regarding the wearing of Hi Vis gear close to birds as it may also result in site desertion;</i> <i>(d) equipment should include binoculars AND a spotting scope and,</i> <i>(e) provision of an endoscope would assist with penguin surveys.</i>
Landscape – Brad Coombs	<p>Mr Coombs has reviewed the draft Landscape and Natural Values assessment and notes that it generally follows accepted industry practice and procedures. Mr Coombs acknowledges that the assessment includes a comprehensive assessment of the history of the Site and previous engagement with tangata whenua, in particular Whareroa Marae.</p> <p>Further, Mr Coombs has provided recommendations for the Applicant to consider prior to finalisation of the assessment, as follows:</p> <ul style="list-style-type: none"> ▪ <i>Exploration of the opportunity to offer coastal edge tree planting to the Whareroa Marae to screen or integrate future views of the development of the Stella Passage, should that be desirable following engagement with Whareroa Marae and Ngāti Kuku. One side effect of such planting would be to screen views of Te Awanui and the Kaimai Ranges, which may be undesirable for the Marae;</i>

	<ul style="list-style-type: none"> ▪ <i>Engagement with the marae to understand more fully the potential landscape effects of the Stella Passage development on the local cultural landscape from a Mātauranga Māori perspective.</i>
Marine Ecology – Steve White	<p>Mr White agrees with the Applicant's conclusions in the marine ecological values assessment, which identifies that the ecological values within the Stella Passage and southern Te Awanui areas are assessed as being 'high'. Further, Mr White agrees with the conclusions that the potential effects will be transitory or temporary with demonstrable recovery of biological communities and populations within relatively short timeframes following completion of the development works. The levels of effect are considered to be low to very low even without mitigation actions. Residual effects following mitigation are all considered to be nil.</p> <p>Mr White acknowledges that the Applicant proposes that the activities be managed to avoid effect through the development of controls and monitoring. He agrees that this is an appropriate approach and that avoiding effects through an adaptive management methodology is achievable through the imposition of conditions of consent as proposed by the Applicant. Further, the proposed monitoring program is appropriate and protective of ecological values overall.</p> <p>Mr White identifies that additional details regarding the practicality of the monitoring approach would be beneficial to the decision makers. In particular:</p> <ul style="list-style-type: none"> • <i>the cleaning and maintenance protocols for the turbidity monitoring instruments,</i> • <i>calibration intervals,</i> • <i>projected failure rates for network and individual elements with contingency provisions to provide monitoring security,</i> • <i>information regarding the data processing required to filter anomalous data points, data smoothing protocols and practical reporting limitation and timeframes around the output of the network of monitoring instruments.</i>
Marine Mammal – Simon Childerhouse	<p>Mr Childerhouse considers that the Assessment of Effects document is comprehensive and covers all of the relevant issues for this scale of development. Further, he notes that the methods used are appropriate to the issues being addressed and the acoustic monitoring work represents international best practice. In general, the risk assessment pre- and post-mitigation appear reasonable and consistent with the data available. However, Mr Childerhouse does identify one exception to this. He is of the opinion that the application of a single 500 metre shutdown zone still allows for potential 'Temporary Threshold Shift' and/or 'Permanent Threshold Shift' injuries for some species from some operations.</p>

	<p>Mr Childerhouse notes that there are very few references to marine mammals within the dredging conditions, which is not unexpected given the anticipated negligible risk posed by the operation. However, he has identified some statements made in the Assessment of Effects and Marine Mammal Management Plan which would be beneficial to carry forward into the draft conditions, to provide some linkage between them and to ensure they are picked up during dredging operations.</p> <p>Mr Childerhouse's review identified two recommendations for further information and a number of amendments to the conditions, as follows:</p> <ol style="list-style-type: none"> <i>1. Review basis for 500 m shutdown zone noting that implementing the zone at 500 m will still allow for TTS and/PTS for some species during some activities and during times when two piling rigs may be operating. Consider different shutdown zone for when two piling rigs are operating simultaneously [Paragraphs 6-7, 9].</i> <i>2. There is no mitigation proposed for potential behavioural effects although the AOE notes that there are likely to be low and/or moderate level behavioural effects for some species [Paragraph 8].</i> <p>Proposed amendments to the conditions have been provided to the Applicant.</p> <p>Following the initial review by Mr Childerhouse, the Applicant has proposed a number of amendments to the proposed conditions of consent. Mr Childerhouse has reviewed these amendments and is generally satisfied that they address the matters raised in his initial review. However, Mr Childerhouse does not agree with the Applicant's justification for the proposed 500m shut down zone. Mr Childerhouse remains of the opinion that the shutdown zone should be extended beyond 500m, given the potential significant effect on the animals should hearing damage occur. He does note that there could be an opportunity for this zone to be reduced, through an amendment to the Marine Mammal Management Plan, should the proposed noise measurements taken of the actual pole driving activities, as required by the conditions, result in a lower noise level than what is anticipated in the preliminary assessment. However, it is considered essential that the protection from noise is provided by a larger shutdown zone until the evidence concludes that the effect is not significant.</p>
<p>Air Quality – Rob Murray Air Modelling – Jennifer Barclay</p>	<p>Mr Murray has reviewed the Air Quality Assessment and concluded that it generally follows accepted best industry practice. Mr Murray notes that resource consent is not required for the discharge of contaminants to air given the discharges are from ships in the harbour and is therefore governed by the Resource Management (Marine Pollution) Regulations 1998.</p>

Mr Murray has identified that minor contaminants, including Polycyclic Aromatic Hydrocarbons (PAHs) and Volatile Organic Compounds (VOC), have not been considered but are known to be discharged when fuel oil is combusted and as such is of the opinion that it would be beneficial for some commentary around this and why they have not been considered further in the assessment. Additionally, it is documented by the Applicant that under Annex 6 of MARPOL the requirement to use fuel with a sulphur content of no more than 0.5% w/w (introduced in 2020) has contributed to the reduction of SO₂ levels in the MMA. However, a specific assessment of alternatives and BPO has not been carried out. Although this may not be necessary in this instance where a resource consent is not required, for completeness some discussion around alternatives and BPO would be useful.

In summary, Mr Murray has identified the following areas where further information would assist in the assessment of potential air quality effects:

- Confirmation of any change in activities at the Cement Tanker/Bulk Liquids berth
- Confirmation of any change at the minor structures area that will materially change the discharges to air from the current operations
- Confirm that the Mount Maunganui wharf extension will only allow for one additional ship to be berthed
- Provide some commentary around the discharge of other minor contaminants (e.g. PAHs and VOCs)
- Provide details of the source of the emission rates used for the ships
- Provide an assessed of 10-minute average SO₂ concentrations against the WHO 10-minute guideline of 500µg/m³
- Provide an assessment which calculates a mass emission (kg/year) from the ships at the proposed berths. Results can be compared against data from the Mount Maunganui Airshed Emission Inventory 2022
- Review/provide the calculations used for the Air Quality Impact Descriptors
- Provide some assessment of BPO

It is noted that specific consideration of the potential air quality effects on Whareroa Marae have been assessed, given the presence of the already identified contaminated Mount Maunganui Air Shed. Ms Barclay has reviewed the air modelling assessment undertaken by the Applicant.

Ms Barclay identifies a number of minor matters in relation to the modelling methodology and data that require further explanation.

	<p>Ultimately, however, she is in agreement with the Applicant's assessment, that the Proposal will result in an increase in the discharge of contaminants to air. However, in her opinion, it is unlikely that this increase will have an adverse effect on the residences at Taiaho Place, being the closest residential properties.</p>
<p>Hydro-dynamic – Richard Reinen-Hamill</p>	<p>Information in the application documentation is predominantly the same as what was used for the Direct Referral application review. Consequently, the information was not reviewed as part of the Fast Track process. The conclusions of the Direct Referral peer review report are as follows:</p> <ul style="list-style-type: none"> • <i>Water elevation changes are likely to be negligible both in terms of elevation and timing, and any resulting change would likely have no perceptible effect on coastal processes operating within the harbour.</i> • <i>Changes in flow are limited to the deepened channel in the Stella Passage with no significant changes beyond the extent of the channel. There are minor changes in flow direction at the transition to the new dredged channel. This means that there are very slight changes from the existing baseline conditions but likely no perceptible impacts on hydrodynamics beyond the immediate work area. Local hydrodynamic changes are unlikely to result in consequent adverse impacts elsewhere.</i> • <i>The hydrodynamic changes resulting from the proposed channel design are small in relation to the natural dynamics currently operating in the area, so will likely have negligible impacts on structures flanking the channel.</i> • <i>There are localised changes in sediment transport resulting from the proposed development within the project area with likely negligible impacts outside the project area.</i>
<p>Engineering – Ana Serrano</p>	<p>No significant changes to wharf design or construction methodology are proposed by the Fast Track application, and as such, no additional technical review (beyond what was undertaken for the resource consent application) are considered necessary. A set of conditions have been proposed by Ms Serrano that address the construction activities and certification of the design works. These conditions have been included in the set proposed by the Applicant.</p>
<p>Planning – David Greaves</p>	<p>The AEE identifies the regional planning document RMA triggers applicable to the Proposal in section 5.1.3.1. Generally the information provided is accurate, however it is noted that the AEE states that maintenance dredging is not part of the Proposal, but will be managed through future applications. We understand that this is not correct and that resource consent for maintenance dredging is being sought as part of the Fast Track application process. The AEE will be updated to reflect this. The Proposal is located within the Port Zone and is consistent with the future development plans identified in Schedule 9 of the Regional Coastal Environment Plan. The Port is identified as</p>

	<p>being Regionally Significant Infrastructure in the Regional Policy Statement.</p> <p>The new proposal includes cranes that require resource consent from both Bay of Plenty Regional Council and Tauranga City Council as a result of their height above the wharf. This is additional to what was sought in the previous application. Conditions have been proposed to ensure that the crane heights are certified and the structures are located within specified areas. Agreement from Tauranga Airport has been provided, along with a determination from the Civil Aviation Authority. Further clarification is required regarding if the seven conditions of the CAA determination are required to be included as conditions of this resource consent.</p> <p>Draft conditions of consent for the structures and dredging activities have been proposed. A number of amendments and comments have been provided regarding the conditions.</p> <p>The draft application notes that consultation with tangata whenua parties is ongoing and that the outcome of that consultation will inform the application, mitigation package and be reflected in the draft proposed consent conditions. Given the framework of the relevant regional planning documents, it is considered that this aspect of the assessment is critical to determining the application.</p> <p>The Application documents and proposed conditions seek the certification of a number of management plans and design elements of the Proposal. The Applicant has identified its preference for the relevant management plans to be certified as part of the processing of the application, rather than after the substantive decision is made through a process set out in the conditions. BOPRC agree with this philosophy, and consider that it is important that the application is supported by as much technical information and operational methodology as possible to enable the decision makers to make an informed decision. It is noted however that in some instances pre-approval is not appropriate as design work, equipment requirements or the results of further investigations are not available. In these instance, it is considered that the imposition of conditions that provide clear objectives and criteria for the management plan and a process for certification is essential. The proposed conditions generally provide for this mechanism.</p>
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