

Stella Passage Development: draft Regional Council dredging conditions

Draft Conditions for Resource Consent No RM-XXX - Dredging

Port of Tauranga Limited

A resource consent:

- Under section 12(1) of the RMA and Rule PZ10 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 Stella Passage Development; and
- Under section 12(1) of the RMA and Rule PZ5 of the Bay of Plenty Regional Coastal Environment Plan to undertake a controlled activity for the discharge to and disturbance of the foreshore and seabed associated with maintenance dredging activities within Stella Passage.

subject to the following conditions:

PURPOSE, LOCATION, SCOPE

A. Purpose of this Resource Consent

A.1 Te Awanui/Tauranga Harbour is a taonga and is important to:

- the iwi/hapū that have a deep rooted and long standing connection to Te Awanui/Tauranga Harbour;
- the Port of Tauranga Limited who depends on Te Awanui/Tauranga Harbour for its operations; and
- the community who live, work and play in and around the harbour.

A.2 The purpose of this consent is to manage the effects associated with the excavation by capital dredging and ongoing maintenance dredging of material from the foreshore and seabed of Te Awanui/Tauranga Harbour.

A.3 The dredging is required to create the sitting basins and to extend the shipping channel to a depth of up to 16 metres below chart datum for the use of the Sulphur Point and Mount Maunganui wharf extensions.

B. Location

B.1 The area to be dredged is located in the Stella Passage of Te Awanui/Tauranga Harbour as shown on the plans attached to this consent titled as follows:

- Proposed Wharf/Reclamations/Dredging Resource Consent Drawings, Drawing No. 320-64-1 Rev A.
- Channel Dredging Co-ordinates Resource Consent Drawings, Drawing No. 320-59-1 Rev C.

C. Map Reference

C.1 At or about map reference NZTM 1880215.5E, 5826356.8N.

D. Quantity

D.1 The total volume of material excavated as capital dredging under this consent must not exceed 1,500,000 cubic metres.

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- D.2 Following the completion of capital dredging operations authorised by this consent, the consent holder will undertake maintenance dredging in accordance with the conditions of this consent, on an as needed basis, to ensure that the operational depth of 16 metres below chart datum is maintained within sitting basins and the shipping channel of Stella Passage.

RELATIONSHIPS

1. Relationship of Iwi and Hapū with Te Awanui/Tauranga Harbour

- 1.1 The relationship of iwi and hapū with Te Awanui/Tauranga Harbour is to be recognised and provided for by the consent holder through:
- a) Funding an ongoing Stella Passage Development Advisory Group (“SPDAG”) (**condition 3**) for involvement as required in this consent.
 - b) Invitations to the SPDAG to engage as follows:
 - i. at least quarterly for the first two (2) years following the commencement of this consent and thereafter twice per year (in accordance with **condition 3.4**). These meetings may occur concurrently with SPDAG meetings required by consent [*structures consent no.*].
 - ii. An annual strategic planning meeting with the Port of Tauranga Limited’s Chief Executive Officer and Chair of the Board of Directors (**condition 1.3**).
 - c) Provision for involvement of the SPDAG under this consent in:
 - i. Preparation of a Mātauranga Monitoring Plan (**condition 15.1**) and funding support towards the preparation and delivery of Mātauranga Monitoring (**condition 15.5**).
 - ii. Review of the Dredge Management Plan (**condition 8.3**).
 - iii. Review of Te Paritaha ongoing monitoring results (**condition 13.2**).
 - d) Providing an opportunity for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour to carry out ceremonies in accordance with **condition 1.2**.
 - e) A contribution of funds to the SPDAG to prepare a Mātauranga Māori State of the Environment report (**condition 12.1**).
 - f) A contribution of funds to the SPDAG 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 (**condition 18.1**).
 - g) Funding towards education and research scholarships for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour (**condition 19.1**).
- 1.2 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.
- 1.3 The consent holder must invite the SPDAG 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 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. This includes, but is not limited to, a discussion around the details of the works authorised by this consent and [*structures consent no.*]

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and proposed future stages subject to other consent processes.

*Advice Note: the consent holder has offered **condition 1.3** and agrees to be bound by it pursuant to the Augier principle.*

2. Relationship Agreements Port, Iwi, Hapū and entities

2.1 The consent holder must facilitate the preparation of relationship agreements with the following iwi, hapū and/or entities within twelve (12) months of the commencement of this consent:

- a) Ngā Hapū ō Ngā Moutere Trust;
- b) Ngā Pōtiki;
- c) Ngāi Tamarāwaho;
- d) Ngāi Te Ahi;
- e) Ngāi Te Rangī;
- f) Ngāi Tukairangi;
- g) Ngāti Hē;
- h) Ngāti Kuku;
- i) Ngāti Pūkenga;
- j) Ngāti Ranginui;
- k) Ngāti Ruahine;
- l) Ngāti Tapu;
- m) Waitaha iwi; and
- n) Whareroa Marae.

2.2 The purpose of these relationship agreements is to agree and record how the consent holder and other parties will establish a long term organisation-wide relationship with each other, including a forum to discuss matters which are outside the scope of or are not covered by this resource consent.

2.3 Within thirteen (13) months of the commencement of this resource consent, the consent holder shall either:

- a) Provide copies of finalised relationship agreements to the Bay of Plenty Regional Council (except to the extent that any agreements contain confidentiality provisions); and/or
- b) Provide details to the Bay of Plenty Regional Council as to why relationship agreements have not been concluded (including, if relevant, details of the consent holder's endeavours to establish relationship agreements).

3. Stella Passage Development Advisory Group

3.1 To recognise the importance of Te Awanui/Tauranga Harbour as a taonga and to recognise and provide for the kaitiakitanga of iwi and hapū who have a relationship with Te Awanui/Tauranga Harbour, the consent holder must, within two (2) months of the commencement of this consent or [structures consent no.], whichever is earliest, invite the parties identified in clauses (a) – (n) of this

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condition below to establish and maintain a “Stella Passage Development Advisory Group” (SPDAG), or alternative name as determined by the parties.

- a) Ngā Hapū ō Ngā Moutere Trust;
- b) Ngā Pōtiki;
- c) Ngāi Tamarāwaho;
- d) Ngāi Te Ahi;
- e) Ngāi Te Rangī;
- f) Ngāi Tukairangī;
- g) Ngāti Hē;
- h) Ngāti Kuku;
- i) Ngāti Pūkenga;
- j) Ngāti Ranginui;
- k) Ngāti Ruahine;
- l) Ngāti Tapu;
- m) Waitaha iwi; and
- n) Whareroa Marae.

3.2 If nominations for SPDAG representatives are not received from those parties identified in **condition 3.1** within five (5) months of provision of the invitation from the consent holder, then the consent holder must invite the following parties to form the SPDAG:

- a) Any representatives who have been nominated; or
- b) If no nominations are received, the Tauranga Moana Iwi Customary Fisheries Trust and/or the Ngā Mātarae Charitable Trust.

3.3 The purpose of the SPDAG is to provide an iwi and hapū-led forum that provides on-going advice to the consent holder in the implementation of this consent and [structures consent no.]. Following its establishment, the SPDAG must:

- a) Finalise the name of the SPDAG;
- b) Provide a means of liaison between iwi and hapū who have a kaitiaki relationship with Te Awanui/Tauranga Harbour and the consent holder through providing a forum for regular discussion about the implementation of this consent and consent [structures consent no.] This includes providing information back to iwi and hapū on progress on the implementation of the consent and providing feedback to the consent holder on any particular concerns arising from the implementation of the consent that iwi and hapū may raise with the SPDAG;
- c) Be responsible for receiving requests for, and facilitating the provision of, any cultural ceremonies deemed appropriate by iwi and hapū who have a relationship with Te Awanui/Tauranga Harbour;
- d) Attend an annual strategic planning meeting with the Port of Tauranga Limited’s Chief Executive

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Officer and Chair of Board of Directors

- e) Facilitate the development of a Mātauranga Monitoring Plan in accordance with **condition 15**;
- f) Evaluate the data obtained from any mātauranga monitoring undertaken in accordance with **condition 15** insofar as they relate to the cultural values and the effects of the works authorised by this consent and [structures consent no.] on Te Awanui/Tauranga Harbour and advise the consent holder and Bay of Plenty Regional Council of any unforeseen effects arising. In the case of any unforeseen adverse changes to effects on cultural values being identified as a result of the implementation of this consent and [structures consent no.], to advise and make recommendations to the consent holder and the Bay of Plenty Regional Council on the appropriateness of any mitigation, response and/or contingency measures;
- g) Be responsible for receiving requests for, and facilitating the provision of, any cultural ceremonies under **condition 1.1(d)**;
- h) Be a liaison point for the consent holder in the engagement over the Dredge Management Plan required by **condition 8**; and
- i) Administer the funds provided by the consent holder under **condition 18.1 to 18.4** to be used for the functions of the SPDAG under this consent and for restoration projects.

3.4 The consent holder must:

- a) Facilitate the administration of each formal meeting of the SPDAG. The first SPDAG meeting shall be held as soon as practicable after the establishment of the SPDAG. The SPDAG shall meet quarterly for the first two (2) years from the commencement of consents and thereafter twice per year, unless a different frequency of meetings is agreed between the consent holder and the SPDAG.

*Advice Note: **condition 1.1(b)(i)** requires the SPDAG to meet at least quarterly for the first two (2) years following the commencement of this consent and thereafter twice per year, unless a different frequency of meetings is agreed between the consent holder and the SPDAG.*

- b) Take minutes of the SPDAG meetings, which must be forwarded to members within ten (10) working days of each meeting being held for those members to confirm the minutes are a true and correct record;
- c) Give members at least three (3) weeks' advance prior notice of the date, time and location of SPDAG meetings; and
- d) With the agreement of SPDAG members, publish SPDAG meeting minutes on the consent holder's website in accordance with **condition 4.5(c)** of this consent.

3.5 Within ten (10) working days of the SPDAG being formed, or any changes being made to its membership, the consent holder must provide details of its membership to the Bay of Plenty Regional Council.

3.6 If, following the requirements of **conditions 3.1 and 3.2** above, no SPDAG is formed within six (6) months after the provision of the invitations to those parties identified in **condition 3.1**, the consent holder may proceed to implement the consent but must extend the written invitation to the relevant parties to form the SPDAG on each anniversary of the consent commencement date for a further four (4) years. If no SPDAG is formed after this period, the consent holder will not be required to make further invitations.

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4. Notification

- 4.1 The consent holder must notify (in writing) the following parties of its intention to commence dredging authorised by this consent, no less than twenty (20) working days prior to each dredging operation:
- a) The SPDAG, or if the SPDAG is not established, the Tauranga Moana Iwi Customary Fisheries Trust and/or the Ngā Mātarae Charitable Trust;
 - b) Department of Conservation; and
 - c) Bay of Plenty Regional Council.
- 4.2 In addition to the above named parties, the consent holder must provide notice on their website (in accordance with **condition 4.5**) of its intention to commence dredging at least ten (10) working days prior to the commencement of each dredging operation authorised by this consent.
- 4.3 Written notice under **conditions 4.1** and **4.2** must include as a minimum:
- a) The area to be dredged within Stella Passage as authorised by this consent;
 - b) The depths proposed to be achieved;
 - c) An assessment of dredging volumes and whether those volumes consist of capital 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) Based on the results of the most recent invasive species survey undertaken through biosecurity monitoring by the Bay of Plenty Regional Council, identification of any measures to be implemented as part of the dredging operations to prevent the spread of any invasive species that may have been identified from that survey within the area to be dredged; and
 - h) The name and 24-hour contact telephone number for the person with responsibility for supervising the dredging operation.
- 4.4 At least ten (10) working days prior to the start of each dredging operation authorised under this consent (both capital dredging and maintenance dredging), the consent holder must notify (in writing) the Coastguard, Tauranga Bridge Marina, Sulphur Point Marina and the Tauranga Harbourmaster and must post notices in the Bay of Plenty Times and at the Whareroa Boat Ramp, Sulphur Point and Pilot Bay boat ramps advising the general public 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 operations.
- 4.5 The consent holder must establish and maintain, for the duration of this consent, a dedicated page on its website for the purpose of ensuring all monitoring and reports required under this consent are publicly available. The following documents or reports must be uploaded to the website as soon as

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practicable but no later than twenty (20) working days after being received or prepared by the consent holder:

- a) The final certified Dredge Management Plan (**condition 8.1**), including any variations to that Plan if amended in accordance with **condition 8.8**;
- b) The results of all monitoring and sampling undertaken by the consent holder pursuant to this consent;
- c) Minutes of the meetings of the SPDAG agreed by members as appropriate for public dissemination;
- d) Copies of dredging completion reports produced in accordance with **condition 20.1**; and
- e) Any other information related to the exercise of this consent.

WORKS

5. Details of Works Authorised

- 5.1 All dredging operations authorised by this consent must be undertaken in accordance with the resource consent application titled Stella Passage Development Fast-track Approvals Act Substantive Application dated April 2025 (except to the extent modified by these conditions), and in accordance with the plan titled 'Proposed Wharf/Reclamations/Dredging Resource Consent Drawings', Drawing No. 320-64-1 Rev A as appended to this consent.
- 5.2 The dredging operations may be completed in one continuous work programme or by way of a staged programme.

6. Restrictions/Standards

- 6.1 Where used in the dredging operations, Trailing Suction Hopper dredging must:
 - a) be undertaken with no overflow on the flood tide and a maximum of 15 minutes with overflow per load on the ebbing tide.
 - b) have a Green Valve, or similar technology, installed to limit suspension of particles in the discharge water.
- 6.2 The consent holder must ensure that no contaminants, including fuel oils but excluding bed material and sediments, are permitted to enter the harbour waters as a result of the dredging operations authorised by this consent.
- 6.3 Dredge equipment must be regularly maintained, including lubrication and repair of winches, generators, propulsion components and other potential noise sources to reduce underwater noise. Maintenance records must be provided to the Bay of Plenty Regional Council upon request.
- 6.4 The consent holder must submit a plan to the Harbourmaster for approval of any proposed changes to the navigational aids as a consequence of the dredging prior to altering the location or form of any existing navigational aids.
- 6.5 All vessel operations authorised by this consent must comply with the Marine Mammal Protection Act Regulations 1992.

7. Disposal of Dredged Material

- 7.1 All dredged material must be disposed of in accordance with the Sulphur Point and Mount Maunganui reclamations authorised by [*structures consent no.*], or in accordance with consents 65806 and

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65807 (or any variation made to them) or any deposition consent which replaces consents 65806 or 65807.

8. Dredge Management Plan

- 8.1 Prior to the first dredging operations commencing, the consent holder must prepare a final Dredge Management Plan in accordance with the draft Dredge Management Plan submitted with the application and **condition 8.2**. The consent holder must provide the final Dredge Management Plan to the Bay of Plenty Regional Council for certification (**conditions 8.4 and 8.5**) at least twenty (20) working days prior to any dredging operations commencing.

Advice Note: The Dredge Management Plan may be combined to provide for all works or may be issued in relation to separate dredging campaigns.

- 8.2 The purpose of the Dredge Management Plan is to provide details of the planned dredging operations authorised by this consent, detail 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 Dredge Management Plan must include, as a minimum:

- a) The area to be dredged;
- b) Identification of any dredging to be undertaken under resource consent 65806 and 65807 in conjunction with the dredging operations authorised by this consent and, if so, how compliance with relevant conditions of those consents will be achieved;
- c) Methodology for undertaking the dredging operations;
- d) Details of water quality monitoring to be undertaken as required by **condition 16**;
- e) In addition to water quality monitoring required by **condition 16**, ongoing background measurements from fixed turbidity monitors and a response framework using turbidity triggers and environmental limits as outlined in the table below:

Port/location	Trigger 1 (NTU)	Trigger 2 (NTU)	Environmental limit (NTU)	Term/Notes
Pilot Bay	15	20	35	6 hr Moving Avg.
No. 10	12	17	25	2 Week Moving Avg.
Butters	12	17	25	2 Week Moving Avg.
Otumoetai	15	20	35	6 hr Moving Avg.
Response framework				
Trigger 1	Investigation into the elevated turbidity. Assess impact of on-going operational dredge.			
Trigger 2	Modification to methodology of operational dredging. Including, but not limited to; <ul style="list-style-type: none">• relocation of dredge• changing dredging equipment• operate dredge during certain tides times• modify frequency of dredging operation• a combination of methods			
Environmental limit	Upon reaching the environmental limit dredge operation should cease.			

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- f) Controls for minimising sediment discharges to ensure the discharges comply with the limits set in this consent;
- g) Contingency measures proposed to manage discharge activities and methods for the avoidance of ecological effects from turbidity;
- h) The feedback on the Dredge Management Plan provided by the SPDAG, including details on recommendations not incorporated in the Plan and the reasons why; and
- i) Waste management measures consistent with **condition 11** to retrieve waste and marine debris while dredging.

*Advice Note: The triggers in **condition 8.2(e)** relate to the fixed, continuous turbidity monitoring and are in addition to the triggers and response framework identified in **conditions 16.2 to 16.4** of this consent.*

- 8.3 Prior to submission of the final Dredge Management Plan to Bay of Plenty Regional Council, the consent holder must invite the SPDAG to provide feedback on the Dredge Management Plan (**condition 8.1**). Any feedback provided must be taken into account by the consent holder. If feedback is not adopted, an explanation must be included in the management plan as to why this is the case. The consent holder must provide at least fifteen (15) working days for the SPDAG to provide feedback before submitting a final version to the Bay of Plenty Regional Council.
- 8.4 For the purposes of **condition 8.1**, “certification” shall mean the process set out in paragraphs (a) to (d), recognising the terms “certify” and “certified” must have the equivalent meanings:
- a) The consent holder submits the Dredge Management Plan to the Bay of Plenty Regional Council, and the Council assesses the documentation submitted. The certification process must be confined to confirming that the Dredge Management Plan gives effect to its purpose and complies with the information requirements stated in **condition 8.2**;
 - b) Should the Bay of Plenty Regional Council determine that the documentation supplied in accordance with (a) above achieves the requirements of **condition 8.2**, the Council must issue a written confirmation of certification to the consent holder;
 - c) If the Bay of Plenty Regional Council’s response is that it is not able to certify the Dredge Management Plan, it must provide the consent holder with reasons and recommendations for changes to the plan in writing. The consent holder must consider any reasons and recommendations of the Bay of Plenty Regional Council and resubmit an amended Dredge Management Plan for certification;
 - d) The Dredge Management Plan cannot be subject to a third-party approval. The Bay of Plenty Regional Council in deciding whether to certify the plan, however, may also obtain advice from other qualified person(s).
- 8.5 The process in **condition 8.4** must be repeated until the Bay of Plenty Regional Council is able to provide written confirmation that the requirements of **condition 8.2** have been satisfied.
- 8.6 Dredging operations authorised under this consent must not be undertaken until the Dredge Management Plan required by **condition 8.1** has been certified by the Bay of Plenty Regional Council.
- 8.7 The consent holder must comply with the certified Dredge Management Plan at all times.
- 8.8 At any time during the implementation of this consent, or on advice of the SPDAG, the consent holder may submit an amended version of the Dredge Management Plan to the Bay of Plenty Regional Council for re-certification. Re-certification is subject to the same process as detailed in **condition 8.4**.

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Advice Note: The consent holder will request that the Bay of Plenty Regional confirm that the relevant Management Plan has been received. It is anticipated that certification will be provided within twenty (20) working days, or a reason and indicative timeframe will be provided.

9. Dredge Master Training

9.1 The consent holder must ensure that prior to the commencement of dredging authorised by this consent, dredge masters receive training on:

- a) the recording and reporting requirements relating to marine mammals (**condition 10**);
- b) compliance with the Marine Mammal Protection Regulations 1992; and
- c) waste management requirements (**condition 11**).

The consent holder must provide records of the dredge master training provided to the Bay of Plenty Regional Council within five (5) working days of any written request.

10. Marine Mammal Recording and Reporting

10.1 The consent holder must ensure that:

- a) a marine mammal sightings form is completed by the dredge master for each marine mammal sighting made during dredging operations;
- b) an annual summary report of marine mammal sightings is provided to Bay of Plenty Regional Council and DOC at the end of each calendar year (or within five (5) working days of any written request); and
- c) any physical interaction between the dredge vessel(s) and marine mammals must be reported immediately to the Bay of Plenty Regional Council and the Department of Conservation.

11. Waste Management

11.1 The consent holder must 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.

MONITORING AND MANAGEMENT PLANS

12. Mātauranga Māori State of the Environment Report

12.1 The Applicant will contribute to the preparation by the SPDAG of a Mātauranga Māori State of the Environment report by providing \$100,000 to the SPDAG towards the costs of preparing the report.

*Advice Note: the consent holder has offered **condition 12.1** and agrees to be bound by it pursuant to the Augier principle.*

13. Te Paritaha Ongoing Monitoring

13.1 The consent holder must undertake annual monitoring of Te Paritaha in accordance with the Tauranga Harbour Marine Monitoring Methodologies Plan dated 27 September 2024, or any

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subsequent amended plan, for the duration of this consent.

- 13.2 The consent holder must provide the results of the monitoring to the SPDAG for their review and, if they deem appropriate, inclusion in the Mātauranga Monitoring Plan.

*Advice Note: For the avoidance of doubt, the monitoring carried out pursuant to **condition 13.1** is of the physical characteristics of the site and is separate to any mātauranga monitoring that may be undertaken in accordance with **condition 12** of this consent).*

14. Cultural Monitoring of Dredge Operations

- 14.1 Subject to **condition 14.2**, the consent holder must provide an opportunity for a Cultural Monitor to be present during all capital dredging operations authorised by this consent, provided that the Cultural Monitor can comply with all health and safety requirements.

- 14.2 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) Observing that TSHD dredging is undertaken with no overflow on a flood tide (in accordance with **condition 6.1**);
- c) Reporting back to the SPDAG as may be required by the group;
- d) Identification of any cultural artifacts that may be uncovered during dredging;
- e) Checking that deposition of dredged material is occurring in the consented deposition site (in accordance with **condition 7.1**); and
- f) Checking that any rubbish collected in the draghead is taken ashore and disposed of appropriately.

- 14.3 The consent holder must pay the reasonable costs associated with the Cultural Monitor role being undertaken in accordance with **conditions 14.1** and **14.2**.

15. Mātauranga Monitoring Plan

- 15.1 Within two (2) months of the SPDAG being established (**condition 3**), the consent holder will invite SPDAG to facilitate the preparation of a Mātauranga Monitoring Plan.

- 15.2 The purpose of the Mātauranga Monitoring Plan is to detail how the cultural health of Te Awanui/Tauranga Harbour, to the extent it overlaps with the Port Zone, is surveyed, monitored and reported upon to describe the state of the marine environment and kaimoana from a cultural perspective.

- 15.3 The Mātauranga Monitoring Plan shall include:

- a) A plan and description of the area subject to the Mātauranga Monitoring Plan;
- b) The cultural indicators to be surveyed and monitored, including appropriate baseline measures to monitor change against;
- c) Methodologies for the cultural indicators to be surveyed and monitored and how results will be compared with any information provided in any Mātauranga Māori State of the Environment report that is available (**condition 12**);
- d) A description of how the cultural indicators monitored will be integrated with the scientific

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monitoring carried out under this consent pursuant to **conditions 13** and **16**;

- e) A description of how the monitoring obtained under the Mātauranga Monitoring Plan will be integrated with any wider mātauranga monitoring undertaken for Te Awanui/Tauranga Harbour; and
- f) Reporting requirements including the extent to which any information obtained is to be included on the consent holder's website in accordance with **condition 4.5**.

Advice Note: The requirement of the Mātauranga Monitoring Plan is a joint requirement with consent [structures consent no.]. It is recognised that one Mātauranga Monitoring Plan will be provided to address the requirements of both this consent and consent [structures consent no.]

15.4 Upon being provided with the final Mātauranga Monitoring Plan, the consent holder must forward the Mātauranga Monitoring Plan to Bay of Plenty Regional Council for its records. If the consent holder becomes aware of any changes to the Mātauranga Monitoring Plan, the consent holder must notify the Bay of Plenty Regional Council within five (5) days of being made aware of the changes (including a copy of the updated Mātauranga Monitoring Plan if the consent holder has been provided with a copy by the SPDAG).

15.5 The consent holder must support the preparation and delivery of the Mātauranga Monitoring Plan to the value of \$25,000 per annum (jointly with consent [structures consent no.] from the time the SPDAG is established (**condition 3**) until the expiry of this resource consent.

*Advice Note: the consent holder has offered **condition 15.5** and agrees to be bound by it pursuant to the Augier principle.*

16. **Water Quality Monitoring**

16.1 On every second day of dredging operations, the consent holder must undertake measurements, using a back-scatter or nephelometric methods (or other methods as agreed to with the Bay of Plenty Regional Council), at the following sites:

- (a) To determine the natural background turbidity levels:
 - > 500m up current (away from the direction of the sediment plume) from the actively dredged area.
- (b) To determine the turbidity within the water column during dredging operations for a Trailing Suction Hopper Dredger:
 - > 200m down current from the actively dredged area and/or at Aerodrome Bridge if the plume is going under Aerodrome Bridge.
- (c) To determine the turbidity within the water column during dredging operations for a Backhoe Dredger:
 - > 500m down current from the actively dredged area and/or at Aerodrome Bridge if the plume is going under Aerodrome Bridge.

*Advice Note: For the purpose of this condition the 'actively dredged area' means the area identified in the Dredge Management Plan required by **condition 8.1** that is to be dredged.*

16.2 The results from the measurements taken in accordance with **condition 16.1** must not be greater than 15 Nephelometric Turbidity Units above the natural background turbidity levels.

16.3 If three consecutive measurements are taken and found to comply with **condition 16.2**, monitoring may be suspended for seven (7) days.

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- 16.4 If three consecutive measurements are taken and found to exceed the limits specified in **condition 16.2** above, the consent holder must:
- (a) Cease the dredging operations that caused the exceedance.
 - (b) Notify the Bay of Plenty Regional Council and the SPDAG.
 - (c) Consult with the Chief Executive of the Bay of Plenty Regional Council or delegate and the SPDAG over possible explanations for the exceedance and any proposed measures to rectify the non-compliance (including an amendment to the Dredge Management Plan, if required, under **condition 8.8**).
 - (d) Not recommence the dredging operations that caused the exceedance until any modification to the dredging operation receives the written certification of the Chief Executive of the Bay of Plenty Regional Council, or Delegate, that the amended methodology will ensure compliance with **condition 16.2**. If certification is withheld, the consent holder shall request the Bay of Plenty Regional Council give their reasons in writing.

Advice Note: Where an amendment to the Dredge Management Plan is required as a result of any proposal to rectify a non-compliance, the Bay of Plenty Regional will confirm that the relevant Dredge Management Plan has been received. It is anticipated that certification will be provided within twenty (20) working days or BOPRC will provide a reason if certification is unable to be provided within this timeframe and advise an indicative timeframe for when certification will be able to be provided.

- 16.5 The water quality monitoring required by **condition 16.1** must be carried out as follows:
- (a) Turbidity measurements must be undertaken from a depth of 1m below the surface. A series of at least two readings must be taken at each location and averaged to provide the measurement for that site.
 - (b) At the time the samples are taken, the consent holder must note:
 - (i) The time;
 - (ii) The stage of the tide;
 - (iii) The weather conditions; and
 - (iv) The sea conditions, including prevailing wind direction, speed, wave or chop height.

17. Bathymetric Survey

- 17.1 The consent holder must carry out bathymetric surveys at the dredge site both immediately prior to the commencement of, and immediately after the completion of each dredging operation authorised by this consent. The bathymetric survey must be sufficient to enable an assessment of the volume of material dredged under each dredging operation. A copy of the survey results must be provided to the Bay of Plenty Regional Council within ten (10) working days of the consent holder receiving the completed post dredge survey reports.

RESTORATION AND MITIGATION

18. Restoration

- 18.1 The consent holder must provide a one off payment of \$2,000,000 (when combined with resource consent [structures consent no.] for the SPDAG to invest into projects of its choosing. The purpose of the fund is to provide support for administration of the SPDAG and projects that:

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- (a) contribute to the restoration of the health of Te Awanui/Tauranga Harbour; or
- (b) abundance projects; or
- (c) projects that benefit iwi and hapu that have a relationship with Te Awanui/Tauranga Harbour; or
- (d) Any other project deemed appropriate by the SPDAG.

*Advice Note: the consent holder has offered **condition 18.1** and agrees to be bound by it pursuant to the Augier principle.*

- 18.2 The consent holder must provide a one off payment of \$500,000 (when combined with resource consent [*structures consent no.*]) for the SPDAG to use for design and implementation of Pou or other structures, for the purpose of recognising the significance of the land on which the Port of Tauranga is located on to the relevant tangata whenua parties.

*Advice Note: the consent holder has offered **condition 18.2** and agrees to be bound by it pursuant to the Augier principle.*

- 18.3 The consent holder must provide a one off payment of \$250,000 (when combined with resource consent [*structures consent no.*]) for the SPDAG to use for a longitudinal assessment of health and wellbeing against agreed marae outcomes for Whareroa Marae.

*Advice Note: the consent holder has offered **condition 18.3** and agrees to be bound by it pursuant to the Augier principle.*

- 18.4 The consent holder must provide a one off payment of \$100,000 (when combined with resource consent [*structures consent no.*]) for the SPDAG to fund an independent audit and assessment of discharges against existing consent conditions and discharges into Te Awanui/Tauranga Harbour.

*Advice Note: the consent holder has offered **condition 18.4** and agrees to be bound by it pursuant to the Augier principle.*

- 18.5 The consent holder must provide a one off payment of \$1,000,000 and, commencing at the first anniversary of the granting of this consent until the expiry of this consent, an annual payment of \$25,000 (when combined with resource consent [*structures consent no.*]), to the Whareroa Marae Reservation Trust towards Whareroa Marae Infrastructure projects, adjusted annually for inflation in accordance with the Consumer Price Index (CPI), from the time works commence pursuant to this consent until the expiry of this consent.

*Advice Note: The consent holder currently contributes \$50,000 per annum (CPI adjusted) to the Ngā Mātarāe Charitable Trust under the conditions of resource consent 65806. For the avoidance of doubt, the contributions specified in **conditions 18.1** to **18.5** of this consent are additional to the contribution specified in resource consent 65806.*

*Advice Note: the consent holder has offered **condition 18.5** and agrees to be bound by it pursuant to the Augier principle.*

- 18.6 Within twelve (12) months of the commencement of this consent, the consent holder must fund and prepare a land use policy addressing incompatible activities on land owned by the Port of Tauranga Limited and located adjacent to Whareroa Marae. This policy must be provided to a Whareroa Marae representative upon its completion and to the Bay of Plenty Regional Council upon request.

- 18.7 Unless otherwise specified in a condition, the payments authorised by this consent must be paid within two (2) months of the establishment of the SPDAG (**condition 3**).

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- 18.8 If the SPDAG is not established within five (5) years from the commencement of this resource consent then the payment of funds in **conditions 18.1 to 18.4** must be held by the consent holder in an interest bearing trust until such time as the SPDAG is established. Should a SPDAG not be established by the time of consent expiry, the consent holder must provide the funds to the Bay of Plenty Regional Council for use towards Council led Te Awanui/ Tauranga Harbour restoration projects.

19. Scholarships

- 19.1 The consent holder must establish a fund of \$250,000 to 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 fund is to be administered by the University of Waikato, and details of the scholarships awarded by the University of Waikato must be made available by the consent holder on the project website (**condition 4.5**).

*Advice Note: the consent holder has offered **condition 19.1** and agrees to be bound by it pursuant to the Augier principle.*

- 19.2 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).

- 19.3 The consent holder must arrange for the results of research funded under **conditions 19.1 and 19.2** to be provided to the SPDAG, where it has been established, within two (2) months of completion of any such research.

RECORDING AND REPORTING

20. Dredging Completion Report

- 20.1 The consent holder must forward a report to the Bay of Plenty Regional Council within thirty (30) working days of completion of each dredging operation (being capital and maintenance dredging) authorised under this consent describing:

- a) The area and volume excavated;
- b) The quantity of sediment disposed and the areas to which the sediment has been disposed;
- c) The quantity of sediment removed from the coastal marine area;
- d) The results of the bathymetric survey taken over the dredged areas (**condition 17**); and
- e) An analysis of the results of the bathymetric surveys showing areas and extent of geomorphologic change.

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21. **Monitoring data**

- 21.1 Unless stated in a specific condition, any data, monitoring information and / or reports required by the conditions of this consent must be provided to the Bay of Plenty Regional Council within five (5) working days of any written request.

22. **Sites of Archaeological, Historic or Cultural Significance**

- 22.1 In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery must cease. The consent holder must contact the Bay of Plenty Regional Council to obtain details of the relevant iwi authority. The consent holder must then consult with the relevant iwi authority and Heritage New Zealand and must not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

Advice Note: The Bay of Plenty Regional Council is able to advise of contact details for the relevant iwi authority.

23. **Surrender of Consent**

- 23.1 The consent holder must surrender consent 62920 on commencement of this consent, unless consent 62920 has expired.

24. **Review**

- 24.1 The Bay of Plenty Regional Council may serve notice on the permit holder under section 128(1)(a)(iii), and/or section 128(1)(b) and/or section 128(1)(ba) of the Resource Management Act 1991 of its intention to review the conditions of this resource consent on 1 November of each year.

The purpose of such a review is to:

- a) give effect to any Act of Parliament, Regulation, National Policy Statement, Regional Policy Statement or relevant Operative Regional Plan, which controls or restricts activities in the coastal marine area in locations where works are authorised by this consent; and/ or;
 - b) address any effects on cultural values that are identified by the SPDAG or parties involved in cultural monitoring undertaken in accordance with **conditions 14.1** and **14.2** and that:
 - i. Have not yet been identified; and
 - ii. Result from the implementation of this resource consent.
- 24.2 The Bay of Plenty Regional Council may, within three (3) months of the completion of any environmental investigation or compliance report carried out by the Bay of Plenty Regional Council that shows there is an adverse effect on the environment as a result of any discharge or other activity authorised by this consent, serve notice on the consent holder under section 128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of the review is to assess the need for monitoring or mitigation measures that may be necessary to address an effect that is appropriate to deal with at a later stage.
- ### 25. **Term of Consent**
- 25.1 This consent will expire thirty-five (35) years following the granting of this consent.
- 25.2 The resource consent hereby authorised is granted under the Fast-track Approvals Act 2024, and in accordance with that Act has full force and effect for its duration, and according to its terms and

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conditions, as if it were granted under the Resource Management Act 1991.

Advice Notes:

- 1 *This consent does not authorise the holder to modify or disturb any archaeological or historic sites or deposits within the area affected by this consent. Should any artefacts, bones, shell midden or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from Heritage New Zealand Pouhere Taonga before any further damage, modification or destruction is undertaken.*
- 2 *The Bay of Plenty Regional Council is able to advise of contact details for the relevant iwi authority and hapu that has a recognised relationship with Te Awanui/Tauranga Harbour.*
- 3 *Notification, reporting and submission of plans required by conditions of this consent should be made in writing to the Regulatory Manager, Bay of Plenty Regional Council, PO Box 364, Whakatane email notify@boprc.govt.nz and should include the consent number [structures consent no.].*
- 4 *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
- 5 *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
- 6 *Disposal of material dredged under this consent is to occur under resource consent 65806. All conditions of that consent therefore apply to the disposal activity.*

Stella Passage Development: draft Regional Council reclamation and structures conditions

Draft Conditions for Resource Consent No RM-XXX – Reclamation and Structures

Port of Tauranga Limited

A resource consent:

- Under section 9(1) of the RMA, Rule 18A.15.b of the Tauranga City Plan and Rule PZ9 of the Bay of Plenty Regional Coastal Environment Plan to undertake a restricted discretionary activity being the development of cranes over specified height limits;
- Under sections 12(1) and 12(2) of the RMA and Rules PZ8 and PZ11 of the Bay of Plenty Regional Coastal Environment Plan to undertake a restricted discretionary activity being the construction, reclamation and deposition onto the foreshore or seabed and the associated coastal occupation;
- Under section 15(1) of the RMA and Rules PZ8 and PZ11 of the Bay of Plenty Regional Coastal Environment Plan to undertake a restricted discretionary activity being to discharge contaminants to the coastal marine area associated with the construction of reclamations and structures within the area of the Port of Tauranga that has been granted a section 384A occupation consent.

subject to the following conditions:

PURPOSE, LOCATION, SCOPE

A. Purpose of this Resource Consent

A.1 Te Awanui/Tauranga Harbour is a taonga and is important to:

- > the iwi/hapū that have a deep rooted and long standing connection to Te Awanui/Tauranga Harbour;
- > the Port of Tauranga Limited who depends on Te Awanui/Tauranga Harbour for its operations; and
- > the community who live, work, and play in and around the harbour.

A.2 The purpose of this consent is to manage the effects on Te Awanui/Tauranga Harbour, and those that have a relationship with Te Awanui/Tauranga Harbour, by:

- a) authorising and setting conditions to reclaim seabed and foreshore of Te Awanui/Tauranga Harbour to provide for the use of the Sulphur Point and Mount Maunganui facilities and to ensure the configuration of the new wharves is aligned or contiguous with existing facilities.
- b) authorising and setting conditions to discharge settled dredge water to Te Awanui/Tauranga Harbour for the dewatering of dredged material that will be used in the reclamations.
- c) authorising and setting conditions to construct Sulphur Point and Mount Maunganui wharf extensions and reclamations, retaining structures and associated activities including dredging related to construction of structures and under wharf batter, and the subsequent occupation by the new structures.

B. Location

B.1 The areas to be reclaimed and for structures to be constructed are located in the Stella Passage of Te Awanui /Tauranga Harbour as shown as the plan attached to this consent titled “Proposed Wharf/Reclamations/Dredging Resource Consent Drawings, Drawing No. 320-64-1 Rev A.”

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C. Map Reference

- C.1 At or about NZTM 1879960.9E, 5826419.3N for Sulphur Point Wharf.
- C.2 At or about NZTM 1880586.10E, 5826939.17N for Mount Maunganui Wharf.

D. Area of Reclamation

- D.1 The total area of reclamations shall occupy an area no larger than 3.58 hectares and must conform with the dimensions shown on the plan referenced in **condition B.1** above and attached to this consent. The reclamation at Sulphur Point shall occupy an area of approximately 1.81 hectares. The reclamations at Mount Maunganui shall occupy a combined total area of approximately 1.77 hectares.

RELATIONSHIPS

1 Relationship of Iwi and Hapū with Te Awanui/Tauranga Harbour

- 1.1 The relationship of iwi and hapū with Te Awanui/Tauranga Harbour is to be recognised and provided for by the consent holder through:
- a) Funding an ongoing Stella Passage Development Advisory Group (“SPDAG”) (**condition 3**) for involvement as required in this consent.
 - b) Invitations to the SPDAG to engage as follows:
 - i. At least quarterly for the first two (2) years following the commencement of the consent and thereafter twice per year (in accordance with **condition 3.4**). These meetings may occur concurrently with SPDAG meetings required by consent [*dredging consent no.*].
 - ii. An annual strategic planning meeting with the Port of Tauranga Limited’s Chief Executive Officer and Chair of the Board of Directors (**condition 1.3**).
 - c) An invitation to Ngāi Tamarāwaho to engage prior to any works commencing at Sulphur Point under this consent, and at least quarterly during works to provide a progress update on the works and discuss any issues arising from the works authorised by this consent.
 - d) Provision for involvement of the SPDAG under this consent in:
 - i. Preparation of a Mātauranga Monitoring Plan (**condition 14.1**) and funding support towards the preparation and delivery of mātauranga monitoring (**condition 14.5**);
 - ii. Review of Management Plans prior to certification or recertification (**conditions 11.1, 12.1, 13.1**);
 - iii. Appointment of a marine mammal observation auditor.
 - e) Providing an opportunity for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour and the specific locations of the wharf extensions to carry out ceremonies in accordance with **condition 3.3(c)**.
 - f) A contribution of funds to the SPDAG to provide for ongoing projects that benefit the

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health of Te Awanui/Tauranga Harbour or that directly benefit iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour (**condition 15.1**).

- 1.2 At least twenty (20) working days prior to commencing works under this consent at both the Sulphur Point site and the Mount Maunganui site, the consent holder must invite the SPDAG to carry out a ceremony at the site of the extension. 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.
- 1.3 The consent holder shall invite the SPDAG 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 is for the purpose of involving iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour to be part of the strategic planning of the Port of Tauranga. This includes, but is not limited to, a discussion around the details of the works authorised by this consent and [dredging consent no.] and proposed future stages subject to other consent processes.

*Advice Note: the consent holder has offered **conditions 1.2 and 1.3** and agrees to be bound by these pursuant to the Augier principle.*

2 Relationship Agreements Port, Iwi, Hapū and entities

- 2.1 The consent holder must facilitate the preparation of relationship agreements with the following iwi, hapū and/or entities within twelve (12) months of the commencement of this consent:
- a) Ngā Hapū ō Ngā Moutere Trust;
 - b) Ngā Pōtiki;
 - c) Ngāi Tamarāwaho;
 - d) Ngāi Te Ahi;
 - e) Ngāi Te Rangī;
 - f) Ngāi Tukairangī;
 - g) Ngāti Hē;
 - h) Ngāti Kuku;
 - i) Ngāti Pūkenga;
 - j) Ngāti Rangīnui;
 - k) Ngāti Ruahine;
 - l) Ngāti Tapu;
 - m) Waitaha iwi; and
 - n) Whareroa Marae.
- 2.2 The purpose of these relationship agreements is to agree and record how the consent holder and other parties will establish a long term organisation-wide relationship with each other, including a forum to discuss matters which are outside the scope of or are not covered by this resource consent.

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2.3 Within thirteen (13) months of the commencement of this resource consent, the consent holder shall either:

- a) Provide copies of finalised relationship agreements to the Bay of Plenty Regional Council (except to the extent that any agreements contain confidentiality provisions); and/or
- b) Provide details to the Bay of Plenty Regional Council as to why relationship agreements have not been concluded (including, if relevant, details of the consent holder's endeavours to establish relationship agreements).

3 Stella Passage Development Advisory Group

3.1 To recognise the importance of Te Awanui/Tauranga Harbour as a taonga and to recognise and provide for the kaitiakitanga of iwi and hapū who have a relationship with Te Awanui/Tauranga Harbour, the consent holder must, within two (2) months of the commencement of this consent or [dredging consent no.], whichever is earliest, invite the parties identified in clauses (a) – (n) of this condition below to establish and maintain a “Stella Passage Development Advisory Group” (SPDAG), or alternative name as determined by the parties.

- a) Ngā Hapū ō Ngā Moutere Trust;
- b) Ngā Pōtiki;
- c) Ngāi Tamarāwaho;
- d) Ngāi Te Ahi;
- e) Ngāi Te Rangi;
- f) Ngāi Tukairangi;
- g) Ngāti Hē;
- h) Ngāti Kuku;
- i) Ngāti Pūkenga;
- j) Ngāti Ranginui;
- k) Ngāti Ruahine;
- l) Ngāti Tapu;
- m) Waitaha iwi; and
- n) Whareroa Marae.

3.2 If nominations for SPDAG representatives are not received from those parties identified in **condition 3.1** within five (5) months of provision of the invitation from the consent holder, then the consent holder must invite the following parties to form the SPDAG:

- a) Any representatives who have been nominated; or
- b) If no nominations are received, the Tauranga Moana Iwi Customary Fisheries Trust and/or the Ngā Mātarae Charitable Trust.

3.3 The purpose of the SPDAG is to provide an iwi and hapū-led forum that provides on-going advice

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to the consent holder in the implementation of this consent and [dredging consent no.]. Following its establishment, the SPDAG must:

- a) Finalise the name of the SPDAG;
- b) Provide a means of liaison between iwi and hapū who have a kaitiaki relationship with Te Awanui/Tauranga Harbour and the consent holder through providing a forum for regular discussion about the implementation of this consent and consent [dredging consent no.]. This includes providing information back to iwi and hapū on progress on the implementation of the consent and providing feedback to the consent holder on any particular concerns arising from the implementation of the consent that iwi and hapū may raise with the SPDAG;
- c) Be responsible for receiving requests for, and facilitating the provision of, any cultural ceremonies deemed appropriate by iwi and hapū who have a relationship with Te Awanui/Tauranga Harbour;
- d) Attend an annual strategic planning meeting with the Port of Tauranga Limited's Chief Executive Officer and Chair of Board of Directors;
- e) Facilitate the development of a Mātauranga Monitoring Plan in accordance with **condition 14**;
- f) Evaluate the data obtained from any mātauranga monitoring undertaken in accordance with **condition 14** insofar as they relate to the cultural values and the effects of the works authorised by this consent and [dredging consent no.] on Te Awanui/Tauranga Harbour and advise the consent holder and Bay of Plenty Regional Council of any unforeseen effects arising. In the case of any unforeseen adverse changes to effects on cultural values being identified as a result of the implementation of this consent and [dredging consent no.], to advise and make recommendations to the consent holder and the Bay of Plenty Regional Council on the appropriateness of any mitigation, response, and/or contingency measures;
- g) Be a liaison point for the consent holder in the engagement over the Management Plans prepared in accordance with **conditions 11.1, 12.1 and 13.1**;
- h) Appoint the marine mammal observation auditor, the function of which will be to conduct periodic reviews of pile driving operations to ensure that Marine Mammal Observers are acting in full compliance with the certified Marine Mammal Management Plan. Specific auditor duties will be defined by the SPDAG prior to the auditor's appointment (**condition 1.1(d)(iii)**); and
- i) Administer the funds provided by the consent holder under **conditions 15.1 to 15.4** to be used for the functions of the SPDAG under this consent and for restoration projects.

3.4 The consent holder must:

- a) Facilitate the administration of each formal meeting of the SPDAG. The first SPDAG meeting shall be held as soon as practicable after the establishment of the SPDAG. The SPDAG shall meet quarterly for the first two (2) years from the commencement of consents and thereafter twice per year, unless a different frequency of meetings is agreed between the consent holder and the SPDAG.
- b) Take minutes of the SPDAG meetings, which must be forwarded to members within ten (10) working days of each meeting being held for those members to confirm the minutes are a true and correct record;

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- c) Give members at least three (3) weeks' advance prior notice of the date, time, and location of SPDAG meetings; and
 - d) With the agreement of SPDAG members, publish SPDAG meeting minutes on the consent holder's website in accordance with **condition 4.6** of this consent.
- 3.5 Within ten (10) working days of the SPDAG being formed, or any changes being made to its membership, the consent holder must provide details of its membership to the Bay of Plenty Regional Council.
- 3.6 If, following the requirements of **conditions 3.1** and **3.2** above, no SPDAG is formed within six (6) months after the provision of the invitations to those parties identified in **condition 3.1**, the consent holder may proceed to implement the consent but must extend the written invitation to the relevant parties to form the SPDAG on each anniversary of the consent commencement date for a further four (4) years. If no SPDAG is formed after this period, the consent holder will not be required to make further invitations.
- 4 Notification**
 - 4.1 The consent holder must notify (in writing) the following parties of its intention to commence reclamation works no less than twenty (20) working days prior to the commencement of construction activities at both the Sulphur Point and Mount Maunganui construction sites:
 - a) The SPDAG, or if the SPDAG is not established, the Tauranga Moana Iwi Customary Fisheries Trust and/or the Ngā Mātarae Charitable Trust;
 - b) Department of Conservation; and
 - c) Bay of Plenty Regional Council.
 - 4.2 In addition to the above named parties, the consent holder must provide notice on their website (in accordance with **condition 4.6**) of its intention to commence reclamation works at least ten (10) working days prior to the commencement of any reclamation works authorised by this consent, at each of the Sulphur Point and Mount Maunganui construction sites.
 - 4.3 The consent holder shall erect and maintain a prominent sign at the relevant access points to the Port for the duration of works. The sign shall clearly display, as a minimum, the following information:
 - a) The details of the resource consent and name of the consent holder.
 - b) The name of the main site contractor.
 - c) A 24-hour contact telephone number for the consent holder or its appointed agent.
 - d) A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance, noise, or any relevant problem that may occur as a result of the exercise of this consent.
 - 4.4 Not less than ten (10) working days prior to the start of works of any reclamation or structures authorised under this consent, the consent holder must, in writing, request a site meeting between the principal contractor and the Chief Executive of the Bay of Plenty Regional Council or delegate. Notification at this time must include details of who is responsible for on-site management and compliance with consent conditions.
 - 4.5 Within five (5) working days of the completion of any reclamation or demolition/construction of structures authorised under this consent, the consent holder must, in writing, notify the Chief Executive of the Bay of Plenty Regional Council or delegate of the completion of works.

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- 4.6 The consent holder must establish and maintain for the duration of this consent a dedicated page on its website for the purpose of ensuring all monitoring and reports required under these consent conditions is publicly available. The following documents or reports must be uploaded to the website as soon as practicable and no later than twenty (20) working days after being received or prepared by the consent holder:
- a) The final certified Management Plans, including any variations to those Plans if amended (conditions 11.1, 12.1 and 13.1);
 - b) The results of all monitoring and sampling undertaken by the consent holder pursuant to this consent;
 - c) Minutes of the meetings of the SPDAG agreed by members as appropriate for public dissemination;
 - d) Copies of reports required in condition 12.5; and
 - e) Any other information related to the exercise of this consent.
- 4.7 Within thirty (30) working days of completion of reclamation or structures in the coastal marine area authorised under this resource consent, the consent holder must provide to the Bay of Plenty Regional Council certification from a suitably qualified and experienced engineer stating that the reclamations and/or structures have been constructed in accordance with the requirements of this consent and good engineering practice.

WORKS

5 Reclamation Works and Structures

All works must be undertaken in accordance with the information submitted in the resource consent application titled Stella Passage Development Fast-track Approvals Act 2024 Substantive Application dated April 2025 and supporting materials (except to the extent modified by these conditions), and in accordance with the plan attached to this consent titled “Proposed Wharf/Reclamations/Dredging Resource Consent Drawings, Drawing No. 320-64-1 Rev A”.

6 Design

- 6.1 Prior to the commencement of works on each of the Sulphur Point or Mount Maunganui construction sites, the consent holder must provide to the Bay of Plenty Regional Council, a final design statement for the works, including design assumptions, parameters and methodology. As a minimum, the statement must include:
- (a) A description of how the structures authorised by this consent will be constructed using materials appropriate for a marine environment with consideration of the level of corrosion that will occur over the life of the structure;
 - (b) A description of how the wharf structures authorised by this consent will be constructed with light, shade and hard surfaces similar to existing wharves;
 - (c) Identification of the construction and reclamation footprints at both the Sulphur Point and Mount Maunganui sites;
 - (d) Confirmation of how the design and construction methodology are consistent with the Assessment of Effects on Marine Mammals report dated April 2025; and
 - (e) An independent peer review statement by a suitably qualified and experienced Chartered

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Professional Engineer specialised in Geotechnical and/or Structural Engineering confirming that the final design is fit for purpose and complies with the relevant standards.

6.2 The construction and lining of the rock walls and/or retaining walls at both the Sulphur Point and Mount Manganui sites surrounding the reclamations must be completed in a manner that all dredged material (other than that authorised to be discharged by consents 65806 or 65807 or any deposition consent which replaces consents 65806 or 65807) is contained within the reclamations. Where additional fill material is required to form the reclamations, only suitable clean material shall be used.

6.3 Any rock rip-rap and fill to be used as part of the construction works shall be of a suitable density, cleanliness and weathering resistance and placed in a manner to ensure structural integrity of the embankment.

7 Construction Activities

7.1 The consent holder must engage an appropriately qualified and experienced Chartered Professional Engineer to supervise the construction activities authorised by this consent. No later than two (2) months after the construction works at both Sulphur Point and Mount Maunganui (as relevant) are completed, the consent holder must provide an 'As Built' certificate from the Chartered Professional Engineer certifying that the development has been constructed in accordance with the requirements of **condition 6.1(e)**.

7.2 The consent holder must manage the structures during the construction period to ensure that they are stable and do not represent a danger to the public.

7.3 The consent holder must ensure that no water associated with the mixing, pouring, placing and/or cleaning of concrete structures and/or equipment is released into Te Awanui/Tauranga Harbour, except where concrete is required to be placed under water as part of the construction of structures.

7.4 The consent holder must control particulate matter resulting from these works so that dust nuisance does not occur beyond the boundary of the works area where it can have an adverse effect on other harbour users.

7.5 The reclamation works must not result in an increase in water turbidity of more than 20 Nephelometric Turbidity Units ("**NTU**") above ambient level at any point fifty (50) metres or greater from the reclamation works.

7.6 Within three (3) months of completion of the Sulphur Point reclamation and the Mount Maunganui reclamation respectively, the consent holder must submit survey plans that detail the extent of those reclamations to the Bay of Plenty Regional Council.

7.7 All controls required, as identified in the Reclamation and Construction Management Plan (**condition 11.1**), must be put in place prior to the commencement of construction and reclamation works at the Sulphur Point and the Mount Maunganui construction sites respectively.

7.8 Pile driving operations and other significant noise emitting activities must not be undertaken on Sundays and Public Holidays; and must only be performed between the following times subject to the further limitation set out in **condition 11.3** where daylight hours are shorter than the hours listed below:

a) Monday to Friday: 7.30am to 8.00pm

b) Saturday: 9.00am to 7.00pm

7.9 Where the Port has been advised 24 hours in advance of a Tangihanga occurring at the Whareroa

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Marae, and where pile driving activities at the Butters Landing/Bunker wharf area are demonstrated to be above 50 dB L_{Aeq} , the consent holder will cease pile driving activities at this location for three (3) days.

*Advice Note: the consent holder has offered **condition 7.9** to respect tikanga regarding tangihanga and agrees to be bound by it pursuant to the Augier principle.*

- 7.10 The consent holder must employ methods to avoid or minimise any fuel spillage, including the provision of appropriate security and containment measures, where necessary. No fuel storage or machinery refuelling shall occur where fuel could enter a water body in the event of a spillage.
- 7.11 The consent holder must ensure that all materials stockpiled for use in the construction work, including construction waste materials, are placed and/or stored in such a manner that they cannot enter the harbour.
- 7.12 All plant, machinery, equipment and debris associated with the construction activities authorised by this consent must be removed from the foreshore and work area at the completion of the construction activities, to the satisfaction of the Chief Executive of the Bay of Plenty Regional Council or delegate.
- 7.13 Pile driving may only commence (i.e. at the start of each day or following a break in pile driving of more than thirty (30) minutes) by soft start; where power of the piling unit is gradually increased over a 10-minute period.
- 7.14 During impact pile driving, the strike rate must not exceed 8,000 strikes per day.
- 7.15 The use of cushion blocks is mandatory for all impact pile driving of steel piles.
- 7.16 The use of bubble curtains is mandatory for all impact pile driving of steel piles.

8 Settling Pond

- 8.1 Where a settling pond is required to be used to de-water dredged material for the reclamation(s), the following shall apply to the discharge quality:
 - a) The mixing zone is defined as being 250 metres from any discharge point.
 - b) The turbidity must not increase more than 15 NTU above ambient level at any point beyond the mixing zone.
 - c) No conspicuous oil or grease films, scums, foams, or floatable or suspended material.
 - d) No conspicuous change in colour or visual clarity outside the mixing zone.
 - e) No emission or objectionable odour.
 - f) No significant adverse effect on aquatic life.
- 8.2 The consent holder must provide Bay of Plenty Regional Council with certification from a suitably qualified and experienced engineer stating that any settling pond(s) is designed and built to recognised and appropriate engineering standards and that it complies with the requirements of **condition 8.1**. The certification must be provided to the Bay of Plenty Regional Council within ten (10) working days of the construction of the settling pond(s) being completed.

9 Maintenance

- 9.1 The consent holder must ensure that all controls required, as identified in the Reclamation Construction Management Plan (**condition 11.1**), are maintained in an effective capacity at all

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times.

- 9.2 The consent holder must ensure that the reclamations and structures authorised by this consent are maintained in a safe and structurally sound condition at all times, and it must undertake any maintenance work, if directed by the Chief Executive of the Bay of Plenty Regional Council or delegate, to the agreed standard.
- 9.3 The consent holder must maintain records of every inspection carried out of the condition of the reclamations and structures authorised by this consent and the date and description of any maintenance work carried out. These records must be provided to the Bay of Plenty Regional Council upon request.

MANAGEMENT PLANS

10 Management Plans certification and amendment process

- 10.1 No less than twenty (20) working days prior to works commencing on either of the Sulphur Point or Mount Maunganui construction sites, the consent holder must submit a Reclamation and Construction Management Plan to the Bay of Plenty Regional Council for certification (**condition 11.1**).

Advice Note: The Marine Mammal Management Plan and the Avifauna Management Plan submitted with the application have been deemed to be certified at the commencement of this consent.

- 10.2 Where any condition(s) requires the consent holder to submit a Management Plan to the Bay of Plenty Regional Council for “certification” it must mean the process set out in the following paragraphs (a) to (d) and the terms “certify” and “certified” must have the equivalent meanings:
- a) The consent holder submits the Management Plan to the Bay of Plenty Regional Council, and the Council assesses the documentation submitted. The certification process must be confined to confirming that the Management Plan gives effect to its purposes and comply with the information requirements stated in the condition(s);
 - b) Should the Bay of Plenty Regional Council determine that the documentation supplied in accordance with (a) above achieves the requirements of the relevant condition(s), the Bay of Plenty Regional Council must issue a written confirmation of certification to the consent holder;
 - c) If the Bay of Plenty Regional Council’s response is that it is not able to certify a Management Plan, it must provide the consent holder with reasons and recommendations for changes to the plan in writing. The consent holder must consider any reasons and recommendations of the Bay of Plenty Regional Council and resubmit an amended Management Plan for certification;
 - d) A Management Plan cannot be subject to a third-party approval. The Bay of Plenty Regional Council in deciding whether to certify the management plan, however, may also obtain advice from other qualified person(s).

Advice Note: The consent holder will request that the Bay of Plenty Regional confirm that the relevant Management Plan has been received. It is anticipated that certification will be provided within twenty (20) working days, or a reason and indicative timeframe will be provided.

- 10.3 The process in **condition 10.2** must be repeated until the Bay of Plenty Regional Council is able to provide written confirmation that the requirements of the applicable condition(s) have been satisfied.
- 10.4 The consent holder shall provide thirty (30) working days for the SPDAG to provide feedback on

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the draft Reclamation and Construction Management Plan (**condition 11.1**) before submitting a final version to the Bay of Plenty Regional Council.

- 10.5 The consent holder must comply with the certified Management Plan(s) or report(s) at all times.

Process for Amending the Management Plans

- 10.6 At any time during the implementation of this consent, or on the advice of the SPDAG, the consent holder may submit an amended version of a Management Plan(s) to the Bay of Plenty Regional Council for re-certification. Re-certification is subject to the same process as detailed in **condition 10.2**.

11 Reclamation and Construction Management Plan

- 11.1 The consent holder must prepare and submit to the Bay of Plenty Regional Council for certification, a Reclamation and Construction Management Plan for all construction works within the coastal marine area authorised by this consent.

Advice Note: The Reclamation and Construction Management Plan may be combined document for all works or may be issued in relation to separate stages of the project.

- 11.2 The purpose of the Reclamation and Construction Management Plan is to demonstrate how the construction activities authorised by this consent are to be managed in accordance with the requirements of this resource consent.

- 11.3 The Reclamation and Construction Management Plan must include as a minimum:

- a) Construction methodology;
- b) Construction programme and timeframes (or schedule of works) of the main activities;
- c) Staff and contractors' roles and responsibilities;
- d) Identification of the locations and types of machinery required to be used in the coastal marine area;
- e) Stakeholder and communication management;
- f) Sediment and erosion control plan;
- g) Sediment discharge and suspension mitigation measures to ensure that the NTU limits specified in **condition 7.5** will be met;
- h) Spill management measures to demonstrate how **condition 7.10** will be complied with;
- i) Measures to demonstrate how dust will be managed to comply with **condition 7.4**;
- j) Measures to demonstrate how works will be undertaken to manage effects on marine mammals (**condition 12**);
- k) Noise management measures, including, as a minimum:
 - i. Demonstration of how the construction works will be undertaken to comply with the relevant noise standards; and
 - ii. Prioritising vibratory pile driving methods over impact pile driving methods where practical; and

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- iii. The use of timber piles for the piles closest to Whareroa Marae that are associated with the penguin ramp; and
 - iv. Limiting pile driving activities to the daytime hours (**conditions 7.8 and 12.15**).
 - l) A water quality monitoring schedule detailing the methodology for monitoring compliance with requirements of **condition 8.1** for water discharging from any settling pond; and
 - m) A system for recording and responding to complaints received in relation to the construction activities authorised by this consent; and
 - n) Any feedback from the SPDAG and, where not accepted, an explanation as to why the consent holder cannot accommodate any such recommendation (**condition 11.4**).
- 11.4 Prior to the lodgement of the Reclamation and Construction Management Plan with the Regional Council, a copy must be provided to the SPDAG for feedback and any feedback must be taken into account by the consent holder. If no feedback is received within twenty (20) working days the consent holder shall state so in the Reclamation and Construction Management Plan. If feedback is not adopted, an explanation must be included as an attachment to the Reclamation and Construction Management Plan as to why this is the case.
- 12 **Marine Mammal Management Plan**
- 12.1 The consent holder must undertake all works authorised by this consent and the management measures in accordance with the certified Marine Mammal Management Plan dated April 2025 (or any subsequent version amended in accordance with **condition 12.3**).
- Advice Note: for the purposes of this condition the certified Marine Mammal Management Plan is that which was certified in conjunction with the grant of this consent or any revisions subsequently certified by the Bay of Plenty Regional Council.*
- Advice Note: for the purpose of these Marine Mammal Management Plan conditions, unless specified otherwise, references to 'pile driving' relates to both impact and vibratory pile driving.*
- 12.2 The purpose of the Marine Mammal Management Plan is to outline procedures to be implemented during construction to ensure compliance with the Marine Mammals Protection Act 1978 and to reduce the risk of harm to marine mammals from activities associated with this consent, particularly in relation to the effects of underwater noise from pile driving.
- 12.3 At any time during the implementation of these consents, or on the advice of the SPDAG, the consent holder may submit a request to amend the Marine Mammal Management Plan to the Bay of Plenty Regional Council for re-certification in accordance with the management plan certification processes in **conditions 10.2 and 10.3**. Amendments are to be recertified as meeting the purpose of the Marine Mammal Management Plan (**condition 12.2**) and the specific controls set out in **conditions 12.6 to 12.15**.
- 12.4 At least twenty (20) working days prior to commencement of pile driving, the consent holder will invite the SPDAG to a wānanga. The objective of the wānanga is for tangata whenua to share knowledge and exchange information of marine mammals in the area. The consent holder shall be present and invite the following parties to the wānanga:
- a) the SPDAG and any representative that may be nominated by the SPDAG;
 - b) Pile driving contractor representative; and

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- c) The suitably qualified marine mammal expert who prepared the Marine Mammal Management Plan, or other suitably qualified and experienced person.
- 12.5 The consent holder must provide to the Bay of Plenty Regional Council, Department of Conservation and SPDAG at the end of each calendar year in which pile driving occurs, or as requested, a summary report detailing the date and number of marine mammals sighted and any actions taken by the consent holder to manage potential effects on them.
- 12.6 Marine Mammal Observation Zones and Shutdown Zones in accordance with the Marine Mammal Management Plan shall be established during all pile driving as follows:
- a) a primary Marine Mammal Observation Zone of 500 metres radius around each individual pile driving location;
 - b) an extended Marine Mammal Observation Zone extending down the shipping channel towards the harbour entrance to the extent practicable given weather and shipping traffic conditions and as described in the Marine Mammal Management Plan;
 - c) in relation to pre-start observations only, an Inner Harbour Observation Zone as described in the Marine Mammal Management Plan;
 - d) a Shutdown Zone of all waters within 500 metres around each individual pile driving location for all dolphins and toothed whales (e.g. Hector's dolphins, bottlenose dolphins, killer whales, common dolphin, false killer whale, pilot whales and beaked whales) and fur seals; and
 - e) a Shutdown Zone for baleen whales and leopard seals comprising the extent of the waters of Te Awanui/Tauranga Harbour. This Shutdown Zone does not apply to leopard seals ashore.
- 12.7 During simultaneous pile driving operations (which is defined as when two pile driving units are operating concurrently, and timing of the hammer strikes is synchronised across the two units) the following variations to the primary Marine Mammal Observation Zone described in **condition 12.6(a)** and the Shutdown Zone described in **condition 12.6(d)**, must be applied:
- a) The establishment of a Marine Mammal Observation Zone of 1,000 metres radius around each individual pile driving location; and
 - b) The establishment of a Shutdown Zone of all waters within 1,000 metres radius around each individual pile driving location for all dolphins and toothed whales (e.g. Hector's dolphins, bottlenose dolphins, killer whales, common dolphin, false killer whale, pilot whales and beaked whales) and fur seals.
- 12.8 The consent holder may, through the amendment process identified in **condition 10.6**, and in accordance with the process outlined in the Marine Mammal Management Plan, provide a methodology for reducing the requirements and radius of the Marine Mammal Observation Zones and Shutdown Zones. No change to the Marine Mammal Observation Zones and Shutdown Zones shall be undertaken unless authorised by the Bay of Plenty Regional Council following review of the proposed amendments.
- 12.9 The consent holder must designate appropriately trained marine mammal observers to provide a continuous lookout for marine mammals within the Marine Mammal Observation Zones during pile driving, in accordance with the certified Marine Mammal Management Plan. While on duty as a marine mammal observer, personnel must be solely dedicated to this role. In addition:
- (a) Prior to the start of pile driving for the day, the marine mammal observers must undertake a thirty (30) minute visual observation search of the Marine Mammal

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Observation Zones to assess whether any marine mammals are present.

- (b) Pile driving must cease or must not commence if any marine mammal is located by the marine mammal observers within, or about to enter, a relevant Shutdown Zone.
- (c) Soft start pile driving (**condition 7.13**) may commence after the marine mammal observers have undertaken a search of the Marine Mammal Observation Zones and have assessed there are no marine mammals present within or about to enter the Shutdown Zones.
- (d) Following a shutdown or delayed start on account of the presence of a marine mammal(s), the following criteria must be met prior to pile driving recommencing:
 - i. the marine mammal(s) is observed to move outside of the relevant Shutdown Zone; or
 - ii. for dolphins and toothed whales, if thirty (30) minutes have elapsed with no further sightings within the 500 metre Shutdown Zone; or
 - iii. for baleen whales and leopard seals, if 24 hours have elapsed with no further sightings within the waters of Te Awanui/Tauranga Harbour.
- (e) Records of all actions taken in accordance with this condition must be provided in the marine mammal sighting log required by the Marine Mammal Management Plan.

*Advice Note: A marine mammal observation auditor may be required to be appointed in accordance with **conditions 1.1(d)(iii)** and **3.3(h)**.*

- 12.10 The consent holder must ensure that training is provided to all relevant staff in accordance with the requirements of the Marine Mammal Management Plan. Records of the training undertaken shall be provided to the Bay of Plenty Regional Council upon request.
- 12.11 Prior to commencing pile driving each day 'inner harbour observations' to detect marine mammals up-harbour of Stella Passage must be made from a suitable vantage point. Inner harbour observations will be made by a trained marine mammal observer, either in-person or using a suitable resolution camera system to allow cetacean detection over the required field of view (as described in the Marine Mammal Management Plan). The following requirements apply to any camera system used:
 - a) the camera equipment must be regularly serviced and maintained to ensure continuous functionality during pile driving operations;
 - b) the field of view must include the main channel and surrounds from the Tauranga Harbour Bridge to Maungatapu Bridge as far as reasonably practicable (as described in the certified Marine Mammal Management Plan); and
 - c) image resolution must be capable of detecting a single dolphin (c. 2.5 metres long) at the surface when zoomed in.
- 12.12 At the outset of each pile driving day, pile driving shall only commence once thirty (30) minutes of 'inner harbour observations' have been made in accordance with **condition 12.11** and no cetaceans have been detected.
- 12.13 If any cetacean is reported within the inner harbour whilst pile driving is underway, pile driving will immediately cease for the remainder of the day or until the animal(s) is seen to depart through Stella Passage and is clear of the relevant Shutdown Zone.
- 12.14 The consent holder must carry out acoustic monitoring of impact pile driving associated with the installation of steel piles to measure the one hour and twenty four hour cumulative Sound

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Exposure level (SEL_{cum}(1h); SEL_{cum}(24h)). The SEL_{cum} shall be derived from the maximum combined noise at all water depths. These measurements must be made by an appropriately qualified person. The acoustic monitoring must:

- (a) Commence immediately once driving piles to founding layer begins for each of the different pile diameters used in the operation. Measurements must occur over a minimum of three (3) days for each pile diameter;
- (b) Be completed as soon as practicable after pile driving commence as described in (a) above;
- (c) Be reported within two (2) weeks of completion of measurements to the Bay of Plenty Regional Council and the Department of Conservation. Each report must describe in detail the acoustic monitoring methodology and the results of the monitoring (including the estimation of appropriate Marine Mammal Observation Zone and Shutdown Zones) undertaken;
- (d) The purpose of this acoustic monitoring is to:
 - i. confirm that the Shutdown Zones are an appropriate size to protect marine mammals from auditory injury; or
 - ii. provide robust justification that the Shutdown Zones should be amended to sufficiently protect marine mammals.

12.15 The consent holder must ensure that, unless otherwise agreed to by Bay of Plenty Regional Council, pile driving shall only occur during daylight hours.

12.16 All vessel operations associated with the activities authorised by this consent must comply with the Marine Mammal Protection Regulations 1992 at all times.

12.17 Any reports of injured or dead marine mammals in the vicinity of the works or any near misses between the vessels associated with the works authorised by this consent and marine mammals, must be reported immediately to the Bay of Plenty Regional Council and Department of Conservation including details of the incident and any mitigation action taken.

13 Avifauna Management Plan

13.1 The consent holder must undertake all works authorised by this consent and proposed management measures in accordance with the Avifauna Management Plan dated April 2025 (or any subsequent version amended in accordance with **condition 13.3**).

13.2 The purpose of the Avifauna Management Plan is to formalise existing practices and to provide enhanced management measures to protect bird colonies and to avoid adverse effects from loss of habitat caused by the proposed works on avifauna with the outcome of no net loss of bird habitat in southern Te Awanui as a result of the proposed works.

13.3 At any time during the implementation of these consents, or on the advice of the SPDAG, the consent holder may submit a request to amend the Avifauna Management Plan to the Bay of Plenty Regional Council for re-certification, in accordance with the Management Plan certification processes in **conditions 10.2 and 10.3**, that any amendment is consistent with the purpose of the Avifauna Management Plan (**condition 13.2**).

13.4 The consent holder must establish a one off fund of \$150,000 to be used for the purpose of assessing and developing opportunities to enhance avifauna habitat in and around Te Awanui/Tauranga Harbour. The fund is to be administered by the SPDAG.

*Advice Note: the consent holder has offered **conditions 13.1 to 13.4** and agrees to be bound by*

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them pursuant to the Augier principle.

14 Mātauranga Monitoring Plan

- 14.1 Within two (2) months of the SPDAG being established (**condition 3**), the consent holder must invite the SPDAG to facilitate the preparation of a Mātauranga Monitoring Plan.
- 14.2 The purpose of the Mātauranga Monitoring Plan is to detail how the cultural health of Te Awanui/Tauranga Harbour, to the extent it overlaps with the Port Zone, is surveyed, monitored, and reported upon to provide the state of the marine environment and kaimoana from a cultural perspective.
- 14.3 The Mātauranga Monitoring Plan must, as a minimum, include:
- a) A plan and description of the area subject to the Mātauranga Monitoring Plan;
 - b) The cultural indicators to be surveyed and monitored, including appropriate baseline measures to monitor change against;
 - c) Methodologies for the cultural indicators to be surveyed and monitored;
 - d) A description of how the monitoring obtained under the Mātauranga Monitoring Plan will be integrated with any wider mātauranga monitoring undertaken for Te Awanui/Tauranga Harbour; and
 - e) Reporting requirements including the extent to which any information obtained is to be included on the consent holder's website in accordance with (**condition 4.6**).

Advice Note: The requirement for a Mātauranga Monitoring Plan is a joint requirement with consent [dredging consent no.]. It is recognised that one Mātauranga Monitoring Plan will be provided to address the requirements of both this consent and consent [dredging consent no.].

- 14.4 Upon being provided with the final Mātauranga Monitoring Plan, the consent holder must forward the Mātauranga Monitoring Plan to the Bay of Plenty Regional Council for its records. If the consent holder becomes aware of any changes to the Mātauranga Monitoring Plan, the consent holder must notify the Bay of Plenty Regional Council within five (5) working days of being made aware of the changes (including a copy of the updated Mātauranga Monitoring Plan if the consent holder has been provided with a copy by the SPDAG).
- 14.5 The consent holder must support the preparation and delivery of the Mātauranga Monitoring Plan to the value of \$25,000 per annum (jointly with consent [dredging consent no.]) from the time the SPDAG is established (**condition 3**) until the expiry of this resource consent. The annual amount payable shall be adjusted annually for inflation in accordance with the Consumers Price Index.

*Advice Note: the consent holder has offered **condition 14.5** and agrees to be bound by it pursuant to the Augier principle.*

RESTORATION AND MITIGATION

15 Restoration

- 15.1 The consent holder must provide a one off payment of \$2,000,000 (when combined with resource consent [dredging consent no.]) for the SPDAG to invest into projects of its choosing. The purpose of the payment is to provide support for administration of the SPDAG and projects that:
- a) contribute to the restoration of the health of Te Awanui/Tauranga Harbour;

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- b) abundance projects;
- c) projects that benefit iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour; or
- d) Any other project deemed appropriate by the SPDAG.

*Advice Note: the consent holder has offered **condition 15.1** and agrees to be bound by it pursuant to the Augier principle.*

- 15.2 The consent holder must provide a one off payment of \$500,000 (when combined with resource consent [*dredging consent no.*]) for the SPDAG to use for design and implementation of Pou or other structures, for the purpose of recognising the significance of the land on which the Port of Tauranga is located on to the relevant tangata whenua parties.

*Advice Note: the consent holder has offered **condition 15.2** and agrees to be bound by it pursuant to the Augier principle.*

- 15.3 The consent holder must provide a one off payment of \$250,000 (when combined with resource consent [*dredging consent no.*]) for the SPDAG to use for a longitudinal assessment of health and wellbeing against agreed marae outcomes for Whareroa Marae.

*Advice Note: the consent holder has offered **condition 15.3** and agrees to be bound by it pursuant to the Augier principle.*

- 15.4 The consent holder must provide a one off payment of \$100,000 (when combined with resource consent [*dredging consent no.*]) for the SPDAG to fund an independent audit and assessment of discharges against existing consent conditions and discharges into Te Awanui/Tauranga Harbour.

*Advice Note: the consent holder has offered **condition 15.4** and agrees to be bound by it pursuant to the Augier principle.*

- 15.5 The consent holder must provide a one off payment of \$1,000,000 and, commencing at the first anniversary of the granting of this consent until the expiry of this consent, an annual payment of \$[25,000] (when combined with resource consent [*dredging consent no.*]) to the Whareroa Marae Reservation Trust towards Whareroa Marae Infrastructure projects, adjusted annually for inflation in accordance with the Consumers Price Index, from the time works commence pursuant to this consent until the expiry of this consent.

*Advice Note: the consent holder currently contributes \$50,000 per annum (CPI adjusted) to the Ngā Mātarae Charitable Trust under the conditions of resource consent 65806. For the avoidance of doubt, the contributions specified in **conditions 15.1** to **15.5** of this consent are additional to the contribution specified in resource consent 65806.*

*Advice Note: the consent holder has offered **condition 15.5** and agrees to be bound by it pursuant to the Augier principle.*

- 15.6 Within twelve (12) months of the commencement of this consent, the consent holder must fund and prepare a land use policy addressing incompatible activities on land owned by the consent holder and located adjacent to Whareroa Marae. This policy must be provided to a Whareroa Marae representative upon its completion and to the Bay of Plenty Regional Council upon request.

*Advice Note: the consent holder has offered **condition 15.6** and agrees to be bound by it pursuant to the Augier principle.*

- 15.7 If the SPDAG is not established within five (5) years from the commencement of this resource

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consent then the payment of funds in **conditions 15.1 - 15.4** must be held by the consent holder in an interest bearing Trust until such time as the SPDAG is established. Should a SPDAG not be established by the time of consent expiry, the consent holder must provide the funds to the Bay of Plenty Regional Council for use towards Council led Te Awanui/ Tauranga Harbour restoration projects.

*Advice Note: the consent holder has offered **condition 15.7** and agrees to be bound by it pursuant to the Augier principle.*

- 15.8 Unless otherwise specified in a condition, the payments authorised by this consent must be paid within two (2) months of the establishment of the SPDAG (**condition 3**).

16 **Biosecurity**

- 16.1 Within six (6) months of the granting of this consent, the consent holder must provide \$27,000 to the Bay of Plenty Regional Council as a contribution to the Bay of Plenty Regional Council led biosecurity programme to enable that programme to be extended so that the new wharf structures authorised by this consent are included for surveillance of the presence of any invasive species.

*Advice Note: the consent holder has offered **condition 16.1** and agrees to be bound by it pursuant to the Augier principle.*

17 **Navigation**

- 17.1 The consent holder must ensure that all structures authorised by this consent are appropriately marked and/or lit in accordance with “System of Buoyance and Beaconage for New Zealand” (document prepared by the Maritime Safety Authority of New Zealand) or any subsequent superseding document.

18 **Cranes**

- 18.1 The cranes authorised by this consent shall be located:
- a) at 100 Mirrielees Road, Sulphur Point Wharf;
 - b) as identified on the plans attached to this consent as follows:
 - i. Civil Aviation Authority Crane Height Restrictions Sulphur Point drawing no. 270-118 Rev B;
 - ii. Articulated 78m Crane Sulphur Point, drawing no. 270-118-1 Rev 0;
 - iii. A Frame 110m Crane Sulphur Point, drawing no. 270-118-2 Rev 0; and
 - iv. Current and Proposed Crane Location Plan Sulphur Point, drawing no. 270-118-3 Rev 0.
- 18.2 Not less than five (5) working days prior to the installation/erection of the cranes at Sulphur Point Wharf, the consent holder must request, (in writing) a site meeting with representatives of the Bay of Plenty Regional Council and Tauranga City Council. This request shall include details of who is to be responsible for on-site management and compliance with consent conditions.
- 18.3 The height of any crane authorised by this consent shall not exceed the heights of Cranes 9 – 12 as shown in Current and Proposed Crane Location Plan Sulphur Point, drawing no. 270-118-3 Rev 0 attached to this consent.

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- 18.4 Within three (3) months of the completion of the installation of the cranes, the consent holder shall provide to the Bay of Plenty Regional Council and Tauranga City Council, a survey report from a suitably qualified surveyor identifying the finished height of the cranes.
- 18.5 The cranes must be continuously lit at the highest point of each crane and at the end of the boom with an appropriate obstacle light and markers in accordance with (IAW) Civil Aviation Rule Part 77, Appendix B (or any subsequent updates to this Civil Aviation Rule).
- 18.6 The consent holder must ensure that the cranes and lighting authorised by this consent are maintained in a safe and structurally sound condition at all times and shall undertake any maintenance work immediately if directed to do so in writing by the Chief Executive of the Regional Council or delegate.

19 Monitoring data

- 19.1 Unless stated in a specific condition, any data, monitoring information and / or reports required by the conditions of this consent must be provided to the Bay of Plenty Regional Council within five (5) working days of any written request.

20 Sites of Archaeological, Historic or Cultural Significance

- 20.1 In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery must cease immediately. The consent holder must then contact the Bay of Plenty Regional Council to obtain details of the relevant iwi authority. The consent holder must then consult with the relevant iwi authority and Heritage New Zealand Pouhere Taonga and must not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

Advice Note: The Bay of Plenty Regional Council is able to advise of contact details for the relevant iwi authority.

21 Review

- 21.1 The Bay of Plenty Regional Council may serve notice on the permit holder under section 128(1)(a)(iii), and/or section 128(1)(b) and/or section 128(1)(ba) of the Resource Management Act 1991 of its intention to review the conditions of this resource consent on 1 November of each year.

The purpose of such a review is to:

- a) Give effect to any Act of Parliament, Regulation, National Policy Statement, Regional Policy Statement, or relevant Operative Regional Plan, which controls or restricts activities in the coastal marine area in locations where works are authorised by this consent; and/or;
- b) Address any effects on cultural values that are identified by the SPDAG or parties involved in the mātauranga monitoring undertaken in accordance with **condition 14.3** and that:
 - i. have not yet been identified; and,
 - ii. result from the implementation of this resource consent.

22 Lapse of Consent

- 22.1 This consent shall lapse ten (10) years from the date on which the consent commences.

Stella Passage Development: draft Regional Council reclamation and structures conditions

Expiry of Consent

- 22.2 This consent will expire thirty-five (35) years following the granting of this consent.
- 22.3 The resource consent hereby authorised is granted under the Fast-track Approvals Act 2024, and in accordance with that Act has full force and effect for its duration, and according to its terms and conditions, as if it were granted under the Resource Management Act 1991.

Advice Notes:

1. *This consent does not authorise the holder to modify or disturb any archaeological or historic sites or deposits within the area affected by this consent. Should any artefacts, bones, shell midden or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from Heritage New Zealand Pouhere Taonga before any further damage, modification or destruction is undertaken.*
2. *The consent holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this consent may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this consent there is no charging system in place however this consent may be affected by any charging regime implemented in the future.*
3. *Notification, reporting and submission of plans required by this consent should be made in writing to the Regulatory Manager, Bay of Plenty Regional Council, Box 364 or email <mailto:notify@boprc.govt.nz> and should include the consent number [dredging consent no.].*
4. *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
5. *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
6. *Section 245 of the Resource Management Act 1991 sets out the process for the vesting of the land once reclaimed.*