

Table 1: Summary of Amended Conditions in response to Panel Minute 12

RM26-0055-DC (dredging conditions)	RM26-0055-LC (structures conditions)
Preamble Amendment: Revise second dot point to expressly reference section 15(1) RMA relating to discharges. Reasons: Addresses Panel’s question about this in hearing on 29 July.	-
Condition 1.1(b)(i) Amendment: link the timing of SPDAG meetings to the date the SPDAG is established, rather than to the date the consents commence. Reasons: Ensures the obligation for quarterly meetings for the first two years of the SPDAG’s operation is maintained irrespective of the consent commencement date (i.e. ensures that the two-year period cannot be reduced based on the consent commencement date).	Condition 1.1(b)(i) Amendment and Reasons: As for condition 1.1(b)(i) of the dredging conditions.
Condition 2.1 Amendment: add Pirirakau Tribal Authority Incorporated (PTAI) to the list of parties to be invited to form relationship agreements with POTL. Reasons: provides mechanism to support long-term relationship building between POTL and PTAI.	Condition 2.1 Amendment and Reasons: As for condition 2.1 of the dredging conditions.
Condition 3.1 Amendment: add reference to Pirirakau Tribal Authority Incorporated to the list of parties to be invited to form the SPDAG and adjust the cross-reference in the chapeau of the condition to reflect the additional sub-clause “(p)”. Reasons: provides mechanism for PTAI involvement in consent implementation.	Condition 3.1 Amendment and Reasons: As for condition 3.1 of the dredging conditions.



RM26-0055-DC (dredging conditions)	RM26-0055-LC (structures conditions)
Condition 3.4(a) As for condition 1.1(b)(i), amend to link the timing of SPDAG meetings to the date the SPDAG is established, rather than to the date the consents commence. Reasons: As for condition 1.1(b)(i) Amendment: add a second Advice Note clarifying the funding to be provided to facilitate the meetings of the SPDAG. Reasons: Confirms the consent holder will provide funding to facilitate the formal SPDAG meetings, additional to the funding required by the other consent conditions.	Condition 3.4(a) Amendment and Reasons: As for condition 3.4(a) of the dredging conditions.
Condition 3.4(e) Amendment: Insert a new clause (e) to confirm that if the SPDAG provides advice and recommendations to the consent holder as a result of mātauranga monitoring results, the consent holder must provide a written response setting out its position, including reasons if the consent holder does not adopt the SPDAG's recommendations. Reasons: Ensures any advice and recommendations of the SPDAG are formally responded to by the consent holder.	Condition 3.4(e) Amendment and Reasons: As for condition 3.4(e) of the dredging conditions.
Condition 3.5 Amendment: Revise to clarify that the timeframe for the consent holder to inform the Regional Council of the formation or membership changes of the SPDAG is tied to the date on which the SPDAG informs the consent holder of these matters. Reasons: Ensures no administrative non-compliance can occur where the SPDAG is formed or its membership changes but the consent holder is not informed within the 10-day timeframe.	Condition 3.5 Amendment and Reasons: As for condition 3.5 of the dredging conditions.



RM26-0055-DC (dredging conditions)	RM26-0055-LC (structures conditions)
Condition 3.6 Amendment: Clarify that where the consent holder proceeds to implement the consent where the SPDAG is not formed, the consent holder may proceed to seek the certification of management plans without the prior review of the SPDAG. Reasons: Ensures that consent implementation in the circumstances envisaged by condition 3.6 is not inadvertently prevented by an inability to certify the management plans if the SPDAG is not formed and therefore does not review and provide feedback on the management plans.	Condition 3.6 Amendment and Reasons: As for condition 3.6 of the dredging conditions.
Condition 8.2(e) Amendment: add cross-reference to a new Appendix 1 to this consent, which is a plan showing the locations of the continuous turbidity monitoring sites described in the table that forms part of this condition. Reasons: Addresses a request from Mr Leersnyder during the hearing on 29 July.	-
Condition 8.3 Amendment: add an advice note to confirm the certification of management plans cannot be prevented if the SPDAG is not formed. Reasons: Resolves a potential conflict with condition 3.6, which enables the consent holder to implement the consent if the SPDAG is not formed.	-
Condition 10.1(b) Amendment: replace reference to DOC with reference to “Department of Conservation”. Reasons: minor amendment for consistent terminology.	-



RM26-0055-DC (dredging conditions)	RM26-0055-LC (structures conditions)
-	Condition 11.4 Amendment: add an advice note to confirm the certification of management plans cannot be prevented if the SPDAG is not formed. Reasons: Resolves a potential conflict with condition 3.6, which enables the consent holder to implement the consent if the SPDAG is not formed.
Condition 12.1 Amendment: amend to clarify that the consent holder’s \$100,000 contribution towards preparation of the Mātauranga Māori State of the Environment Plan is a one-off contribution. Reasons: Provides clarity, and is consistent with other conditions specifying one-off payments.	-
-	Condition 12.3 Amendment: add an advice note to confirm the certification of management plans cannot be prevented if the SPDAG is not formed. Reasons: Resolves a potential conflict with condition 3.6, which enables the consent holder to implement the consent if the SPDAG is not formed.
-	Condition 12.4 Amendment: add an advice note to confirm the wananga invitation is not required to be extended to the SPDAG if the SPDAG is not formed. Reasons: Resolves a potential conflict with condition 3.6, which enables the consent holder to implement the consent if the SPDAG is not formed.
-	Condition 12.13 Amendment: Nil



RM26-0055-DC (dredging conditions)**RM26-0055-LC (structures conditions)**

Reasons: In the hearing on 29 July, Mr Leersnyder queried if condition 12.13 of the structures conditions should refer to pinnipeds as well as to cetaceans.

Ms McConnell, the author of the Marine Mammal Effects assessment and Marine Mammals Management Plan included with POTL's application, confirms that condition 12.13 should not include pinnipeds and is correct as it stands.

The condition was developed to address a concern that the Department of Conservation (**DOC**) raised that if cetaceans (whales and dolphins) are present in the inner harbour when piling begins, then piling noise may deter them from exiting through Stella Passage; essentially trapping them in the inner harbour. Given the tidal nature of the inner harbour, DOC's concern was that trapped cetaceans could strand and potentially suffer injuries or mortality.

Conversely, stranding is not a risk to pinnipeds because time ashore is part of their normal daily behavioural patterns. In addition to their ability to haul-out ashore, seals use other mechanisms to avoid underwater noise including swimming with their heads above water (another natural behaviour) and closing their ear canals to water (a natural anatomical advantage). As a consequence, their sensitivity to noise is generally lower than that of cetaceans. For these reasons, condition 12.13 should not apply to pinnipeds.

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Condition 13.3

Amendment: add an advice note to confirm the certification of management plans cannot be prevented if the SPDAG is not formed.

Reasons: Resolves a potential conflict with condition 3.6, which enables the consent holder to implement the consent if the SPDAG is not formed.

See condition 15.1 below which addresses this same topic.

Condition 14.1

Amendment: Adjust the timing for the Mātauranga Monitoring Plan to follow completion of the Mātauranga Māori State of the Environment Report.



RM26-0055-DC (dredging conditions)	RM26-0055-LC (structures conditions)
	Reasons: Addresses a Panel query during the cultural effects hearing about whether the timing of the Mātauranga Māori State of the Environment Report should be clarified to ensure it appropriately informs the preparation of the Mātauranga Monitoring Plan.
-	Condition 14.3(c) Amendment: replicate the text of condition 15.3(c) of the dredging consent and re-number subsequent clauses (d) to (f).
See condition 15.5 below which addresses this same topic.	Condition 14.5 Amendment: Introduce: > An additional one-off payment of \$250,000 to the SPDAG to support the <i>preparation</i> of the Mātauranga Monitoring Plan; and > Clarify the provision of \$25,000 annually (adjusted for inflation) to be directed towards the <i>delivery</i> of the measures specified in the Mātauranga Monitoring Plan. Reasons: Addresses concerns raised in the cultural effects hearing about the adequacy of funding provided by the consent holder to support the preparation and delivery of a Mātauranga Monitoring Plan in the part of Te Awanui that overlaps with the Port Zone.
Condition 15.1 Amendment: Adjust the timing for the Mātauranga Monitoring Plan to follow completion of the Mātauranga Māori State of the Environment Report. Reasons: Addresses a Panel query during the cultural effects hearing about whether the timing of the Mātauranga Māori State of the Environment Report should be clarified to ensure it appropriately informs the preparation of the Mātauranga Monitoring Plan.	See condition 14.1 above which addresses this matter



RM26-0055-DC (dredging conditions)	RM26-0055-LC (structures conditions)
Condition 15.5 Amendment: Introduce: > An additional one-off payment of \$250,000 to the SPDAG to support the preparation of the Mātauranga Monitoring Plan; and > Clarify the provision of \$25,000 annually (adjusted for inflation) to be directed towards the <i>delivery</i> of the measures specified in the Mātauranga Monitoring Plan. Reasons: Addresses concerns raised in the cultural effects hearing about the adequacy of funding provided by the consent holder to support the preparation and delivery of a Mātauranga Monitoring Plan in the part of Te Awanui that overlaps with the Port Zone.	See condition 14.5 above which addresses this same topic.
-	Condition 15.1 Amendment: adjust “Any” in clause (d) to a lower case “a”. Reasons: minor typographical error for correction.
See condition 18.6 below which addresses this same topic.	Condition 15.6 Amendment: Require the preparation of the land use policy to be informed by consultation with Whareroa Marae representatives. Reasons: Responds to comments during the hearing about the merits of this policy if it is not informed by discussions with Whareroa Marae representatives.
See condition 18.7 below which addresses this same topic.	Condition 15.7 Amendment: Add a new consent condition requiring the consent holder to provide a one-off customary fisheries restoration fund of \$500,000 (jointly with the dredging consent) to support customary fisheries restoration projects within Te Awanui by the Tauranga Moana Iwi Customary Fisheries Trust.

RM26-0055-DC (dredging conditions)	RM26-0055-LC (structures conditions)
	Reasons: Provides an additional restoration-focussed measure responding to concerns raised in the cultural effects hearing about the state of customary fisheries in/around Te Awanui and the lack of funds to support the Customary Fisheries Trust in its statutory obligation to manage the customary fishery.
-	Condition 16.1 Amendment: amend to clarify that the consent holder’s \$30,000 contribution towards biosecurity monitoring is a one-off contribution. Reasons: Provides clarity, and is consistent with other conditions specifying one-off payments.
-	Condition 17.2 Amendment: Add a new consent condition requiring the consent holder to provide a barge ramp generally in accordance with the approved plans at all times during the term of this resource consent. Reasons: Addresses a Panel query during the cultural effects hearing on 29 July seeking certainty that the barge ramp will continue to be provided.
Condition 18.1 Amendment: add end bracket to the sentence referencing consent “RM26-0055-LC” and adjust “Any” in clause (d) to a lower case “a”. Reasons: minor typographical error for correction.	-
Condition 18.6 Amendment: Require the preparation of the land use policy to be informed by consultation with Whareroa Marae representatives, and add Advice Note reflecting the <i>Augier</i> status of this condition.	See condition 15.6 above which addresses this same topic.



RM26-0055-DC (dredging conditions)	RM26-0055-LC (structures conditions)
Reasons: Responds to comments during the hearing about the merits of this policy if it is not informed by discussions with Whareroa Marae representatives.	
Condition 18.7	See condition 15.7 above which addresses this same topic.
Amendment: Add a new consent condition requiring the consent holder to provide a one-off customary fisheries restoration fund of \$500,000 (jointly with the structures consent) to support customary fisheries restoration projects within Te Awanui by the Tauranga Moana Iwi Customary Fisheries Trust. Reasons: Provides an additional restoration-focussed measure responding to concerns raised in the cultural effects hearing about the state of customary fisheries in/around Te Awanui and the lack of funds to support the Customary Fisheries Trust in its statutory obligation to manage the customary fishery.	
Conditions 18.8 and 18.9	-
Amendment: Renumber former conditions 18.7 and 18.8 to 18.8 and 18.9 as a consequence of adding a new condition 18.7 as described above. Reasons: Renumbering ensures a logical flow in the 'restoration' conditions.	
Condition 18.9	-
Amendment: Add an advice note confirming the Augier status of this condition. Reasons: This is consistent with condition 15.8 of the structures consent.	
Appendix 1	Appendix 1
Amendment: Insert a new Appendix 1, which contains a schedule of implementation costs for the purposes of condition 3.4(a). Reasons: Demonstrates the cost calculation methodology to be applied in the provision of funding to support the formal meetings of the SPDAG.	
Amendment: Insert a new Appendix 1, which contains a schedule of implementation costs for the purposes of condition 3.4(a). Reasons: Demonstrates the cost calculation methodology to be applied in the provision of funding to support the formal meetings of the SPDAG.	



Appendix 2

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Amendment: Insert a new Appendix 2, which contains a map showing the locations of the continuous turbidity monitoring sites referenced in condition 8.2(e).

Reasons: Addresses a request from Mr Leersnyder during the hearing on 29 July.

