



Port of Tauranga

Connecting New Zealand and the World

Stella Passage Development

Port of Tauranga Limited
Fast-track Approvals Act 2024
Substantive Application
Report

14 April 2025

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LIST OF ABBREVIATIONS

| Abbreviation | Meaning |
|--------------------|---|
| AAQG | Ambient Air Quality Guidelines |
| Aeronautical Study | Tauranga Airport Port Crane Aeronautical Study ,18 January 2021, AirBiz Ltd |
| ANZG | Australian & New Zealand Guidelines for Fresh & Marine Water (and sediment) Quality |
| AOI | Area of Interest |
| ASCV-4A | Area of Significant Cultural Value |
| BHD | Back-Hoe Dredge |
| BOPCMS | Bay of Plenty Conservation Management Strategy 1997-2007 |
| CD | Chart Datum |
| City Council | Tauranga City Council |
| CMA | Coastal Marine Area |
| CSM | Cutter Soil Mixing |
| CVR | Cultural Values Report(s) |
| Draft CMS | Draft Conservation Management Strategy Bay of Plenty 2020 |
| DOC | Department of Conservation |
| EPA | Environment Protection Authority |
| FTA | Fast-track Approvals Act 2024 |
| GDP | Gross domestic product |
| GIS | Geographic Information System |



| Abbreviation | Meaning |
|------------------------------|---|
| ha | Hectares |
| Ldn | long-term average sound level |
| m | Metres |
| Marine Pollution Regulations | Resource Management (Marine Pollution) Regulations 1998 |
| MMPR | Marine Mammal Protection Regulations 1992 |
| MARPOL | International Convention for the Prevention of Pollution from Ships |
| Marshall Day | Marshall Day Limited |
| MHWS | Mean High Water Springs |
| Mm ³ | Million cubic metres |
| NESAQ | Resource Management (National Environmental Standards for Air Quality) Regulations 2004 |
| NO ₂ | Nitrogen Dioxide |
| NPSIB | National Policy Statement for Indigenous Biodiversity 2023 |
| NZCPS | New Zealand Coastal Policy Statement |
| NZIER | New Zealand Institute of Economic Research |
| NZS 6803 | NZS 6803:1999 Acoustics – Construction |
| NZVD16 | New Zealand Vertical Datum 2016 |
| ONFL3 | Outstanding Natural Features Landscape |
| PM ₁₀ | Particulate matter |
| PM _{2.5} | Particulate matter |

| Abbreviation | Meaning |
|------------------|--|
| POTL | Port of Tauranga Limited |
| Project | Stella Passage Development |
| RCEP | Bay of Plenty Regional Coastal Environment Plan |
| Regional Council | Bay of Plenty Regional Council |
| RMA | Resource Management Act 1991 |
| RPS | Bay of Plenty Regional Policy Statement |
| SH2 | State Highway 2 |
| SO ₂ | Sulphur dioxide |
| SPDAG | Stella Passage Development Advisory Group |
| TCP | Tauranga City Plan |
| TEU | Twenty-foot equivalent units |
| TEWA | Technical Evaluation to Accompany an Application for a Wildlife Approval for Proposed Construction Works at the Port of Tauranga |
| the Port | The Port of Tauranga, i.e. the physical Port infrastructure and assets |
| TSHD | Trailing Suction Hopper Dredge |
| WHO | World Health Organisation 2021 guidelines |
| Wildlife Act | Wildlife Act 1953 |



EXECUTIVE SUMMARY

This is a substantive application for a resource consent and a wildlife approval made under sections 42(4)(a) and 42(4)(h) of the Fast-track Approvals Act 2024 (“**FTA**”) for the Stella Passage Development (“**the Project**”). The Project is listed under Schedule 2 of the FTA as:

In stages, extend the Sulphur Point wharf, including associated reclamation and dredging of the seabed

Port of Tauranga Limited (“**POTL**”) is applying for all the necessary approvals to extend the Sulphur Point and Mount Maunganui wharves, provide for four new cranes, and for capital and maintenance dredging of the bed of Stella Passage. These developments will:

- > Increase the berthing capacity for vessels calling at the Port of Tauranga (the “**Port**”) and thereby increase cargo handling capacity; and
- > Enable old sections of the Mount Maunganui wharves to be replaced.



Figure 1: The Port of Tauranga looking south-west.

POTL's operations, particularly its cargo throughput capacity, are constrained by the limited linear extents of the existing wharves. The Project will alleviate these constraints by extending the wharves, thereby enabling the Port to handle more cargo. This will ensure that the significant regional and national social and economic benefits of the Port's current operations can increase in the future.

The alternatives, of forgoing the Project entirely or only progressing the Project in a partial form, present very substantial opportunity costs to POTL and its associated businesses, but more widely, would constrain the productivity of businesses throughout the North Island who depend on the Port to provide New Zealand's preeminent import/export facility.

The Project is expressly anticipated by the Outline Development Plan that forms Schedule 9 of the Bay of Plenty Regional Coastal Environment Plan ("RCEP"). The entire Project requires consent as a restricted discretionary activity under the RCEP.

The cranes proposed at Sulphur Point (only) are the only components of the Project that require consent under the Tauranga City Plan ("TCP"), as a restricted discretionary activity.

To extend the Mount Maunganui wharves, POTL will need to provide for the relocation of gulls and penguins that currently use a section of man-made rock wall, which will be removed by the reclamation. The enhanced replacement habitat will be provided in nearby locations to the south. As a precaution, POTL is applying for a wildlife approval under Schedule 7 of the FTA, to authorise the capture of penguins, to enable the relocation of any individuals that do not relocate to the new habitat of their own accord.

This substantive application report and the attached technical reports meets the FTA information requirements, therefore enabling an expert consenting panel to assess and determine POTL's FTA application.

National and Regional Significance

The New Zealand Institute of Economic Research ("NZIER"¹) has assessed the Project's economic implications (**Appendix 1** to this report). NZIER states:

The Project is of national significance as it will have significant regional and national benefits associated with facilitating economic growth in more than one region or district and will directly or indirectly support much other economic activity in surrounding districts.

NZIER quantifies recent economic activity associated with the Port. In generating approximately 1.7% of Tauranga's Gross Domestic Product ("GDP") (year ending March

¹ NZIER. 2024. *Stella Passage Development – Economic Assessment. A report for Port of Tauranga Limited.*



2024) and employing hundreds of staff and contractors, POTL is a substantial local economic presence in Tauranga. However, NZIER emphasises that POTL's revenues are a small part of the Port's value to New Zealand, which lies mainly in "[t]he value of the goods crossing the wharf at Tauranga and the value added they generate with further transformation and use in New Zealand". NZIER's analysis of the broader effects of POTL's operations records that:

- > Tauranga is New Zealand's largest port by volume throughput. It handles about 50% more containers and bulk² freight tonnage than the next largest port (Auckland);
- > In the 2023 financial year, the Port's container throughput was 1,177,400 TEU³ and 13.3 million containerised tonnes, equating to 34% of New Zealand's total. The Port was also the largest port by bulk (non-containerised) trade, handling 11.7 million tonnes, or 25% of New Zealand's total. The Port had the most ship visits to any port in the country for these two freight categories;
- > The Port handles "...47% of the total value and 42% of gross weight of New Zealand merchandise exports each year".

As such, the Port is a regionally and nationally significant infrastructure asset of high importance to Tauranga's economic wellbeing (New Zealand's fifth largest city) and the wider economic region, which (broadly) consists of the high-growth regions of the Bay of Plenty, Waikato and Auckland. Consequently, the Port's performance and contribution is nationally significant.

To illustrate the Project's economic significance, NZIER assessed the opportunity costs of forgoing the Project and allowing constraints on container and bulk cargo handling to endure. NZIER developed upper and lower opportunity cost estimates at the local (Tauranga) and national levels. The one-year opportunity cost estimates for 2033 are:

- > For the Tauranga economy, an estimated range from -\$54 million to -\$79 million, being reductions of approximately -0.36% to -0.54% of the city's contribution to GDP; and
- > For the New Zealand economy, an estimated range from -\$792 million to -\$1.179 billion, being reductions of approximately -0.16% to -0.24% to GDP.

It is important to note, for the opportunity costs that would accrue if the Project were to be forgone, NZIER reports that (**emphasis added**):

² "Bulk" refers to non-containerised cargo such as logs, vehicles, fertiliser etc.

³ TEU means Twenty-foot Equivalent Unit. One 20-foot shipping container equals one TEU.



*These may not seem high, but **they are repeated and grow over successive years** as long as the constraints [i.e., insufficient Port throughput capacity] remain. They are not inconsequential numbers and testify to the national significance of extending capacity at POTL's wharves.*

NZIER's analysis concludes that:

The effect of not consenting the Project would be to constrain the ability of POTL to meet growth in demand for shipping services to and from New Zealand. At a time when other ports are facing their own constraints on infrastructure capacity and environmental limits, such constraint has implications well beyond Tauranga. It will put a drag on export activity in the wider Waikato and BOP regions. These are large, fast-growing regions within New Zealand's economy, so constraints on their ability to export have significant implications at both national and regional levels. In resolving that constraint, the Project would enable improvements in economic activity across the wider region and country.

Therefore, the Project will deliver significant regional and national benefits, consistent with the FTA's purpose to "...facilitate the delivery of infrastructure and development projects with significant regional or national benefits".

Approval Requirements

The Project requires resource consent under the Resource Management Act 1991 ("**RMA**") by way of the RCEP for the activities below:

- > Development of structures in the coastal marine area ("**CMA**") (including associated disturbance, discharges and occupation), a **restricted discretionary** activity under RCEP rule PZ 8;
- > Development of cranes, a **restricted discretionary** activity under RCEP rule PZ 9;
- > Dredging (including discharges and disturbance) of the seabed, a **restricted discretionary** activity under RCEP rule PZ 10; and
- > Development of reclamations (including discharges and deposition), a **restricted discretionary** activity under RCEP rule PZ 11.

The Project also requires a land use consent under TCP for:

- > The development of cranes over 100 m in height above New Zealand Vertical Datum 2016, a **restricted discretionary** activity under the TCP rule 18A.15.b.

It is appropriate to bundle the activities for which consent is required, as they are inter-dependent. Therefore, the Project is a **restricted discretionary activity** overall.



POTL is also applying as a precautionary measure for a wildlife approval under section 42(4)(h) of the FTA to capture and relocate live kororā/ blue penguins. This approval is sought to enable POTL to capture and relocate kororā/blue penguin (if necessary) prior to, and in the course of, works to construct the proposed Mount Maunganui reclamation and wharf extension footprint. The works will remove a section of an existing constructed rock seawall, which is occasionally used by kororā/blue penguin. If individual birds do not relocate of their own accord, then, as discussed in section 6.8 of this report, the birds will be relocated by appropriately qualified persons to an enhanced replacement habitat provided nearby to the south, before the rock wall is carefully dismantled under observation by an ecologist.

Project Recognition in the Planning Framework

The Project is an orderly and planned outcome, given it is anticipated by the Outline Development Plan at Schedule 9 of the RCEP (Figure 31 and Figure 34 of this report). More broadly, the Project is in POTL's area of consented occupation, and is located in and surrounded by the RCEP Port Zone (in the CMA) and the TCP Port Industry Zone (in the terrestrial environment). However, the proposed Mount Maunganui wharf extensions, the reclamations behind those extensions and the area and volume of dredging that POTL proposes within Stella Passage, are all smaller than the development envelope anticipated by the Outline Development Plan (using Figure 16 and Figure 32 as a basis for comparison).

The RCEP specifically recognises and provides for the activities that this application seeks consent for, with policies recognising the regional and national significance of the Port and its continued operation and that activities identified in the Outline Development Plan are appropriate if effects are managed. The Port Zone rules also specifically address the activities anticipated by the Outline Development Plan, including those proposed by the Project.

The zones and Outline Development Plan, and their clear enablement of and provision for the Port, are long-standing. They were tested through the public plan review process in the past and are beyond dispute. Therefore, the strategic basis for the Project is beyond doubt.

Cultural Effects Assessments

POTL recognises that only tangata whenua can determine how a Project impacts their cultural values and associations. Extensive consultation has been undertaken with tangata whenua groups both historically, as part of the previous application processes related Environment Court proceedings, and as part of this FTA application process. Through direct engagement with tangata whenua, including provision of Cultural Values Reports (“**CVR**”), POTL acknowledges that there is an individual and collective position of opposition from tangata whenua to the Project.



POTL understands that for tangata whenua, the Project does not take place in isolation, and the historic Port developments and industrialisation of the Mount Maunganui area and adjoining Te Awanui/Tauranga Harbour contribute to the degraded cultural lens in which the Project is viewed. POTL note that the scope of the Project being applied for under the FTA has been reduced in response to cultural concerns identified through previous Environment Court proceedings.

POTL acknowledge there are some differences between the tangata whenua recommended mitigations and those proposed by POTL but also notes that some of the recommended mitigation measures identified in the CVRs were already proposed by POTL. These include provision for, and funding of, the SPDAG; financial contributions to enhancement and abundance projects for Te Awanui/Tauranga Harbour and for the design and placement pouwhenua; and provision for ongoing cultural and mātauranga monitoring and sharing of information. Overall, POTL considers that its proposed mitigations measures (both those specific to cultural matters and the wider Project mitigations) strike a balance between the Project its impacts on cultural values and associations.

Overall, while POTL recognise that each of the tangata whenua groups have articulated the Project’s cultural impacts differently, POTL’s interpretation of the key themes of the impacts on cultural values and associations and the proposed management measures are summarised below.

Table 1: Cultural Effects and Proposed Management Summary.

| Effect | Proposed Management |
|---|---|
| Kaitiakitanga and whanaungatanga impacts. | <p>Reduction in Project scope from the scope originally applied for in the Environment Court direct referral application process.</p> <p>Establishment and funding of a Stella Passage Development Advisory Group (“SPDAG”) - a tangata whenua-led forum with a wide-ranging remit to advise the consent holder in the implementation of the consents, develop a Mātauranga Monitoring Plan, meet with POTL’s Chief Executive and Chair in relation to long-term strategic planning of the Port and administer funds derived from a range of payments required by the proposed consent conditions.</p> |
| Loss of cultural identity and displacement. | Fund the preparation and implementation of a Mātauranga Monitoring Plan facilitated by the SPDAG. |



| Effect | Proposed Management |
|--|---|
| | Fund the design and implementation of Pou or other structures, to recognise the significance of the land to tangata whenua parties. |
| Impacts on the mauri of Te Awanui/Tauranga Harbour through adverse water quality and hydrodynamic effects. | <p>Fund the preparation and implementation of a Mātauranga Monitoring Plan.</p> <p>Payment to the SPDAG to fund an independent audit and assessment of existing consent conditions for discharges into Te Awanui/Tauranga Harbour.</p> <p>Cultural monitor present during capital dredging operations.</p> |
| Impacts on kaimoana species and mahinga kai. | <p>Ongoing monitoring of Te Paritaha during dredging activities.</p> <p>Cultural monitor present during capital dredging operations.</p> <p>Fund the preparation and implementation of a Mātauranga Monitoring Plan.</p> <p>Fund research and education scholarships for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour, with the funding administered by the University of Waikato.</p> |
| Impacts on taonga species, including avifauna and marine mammals. | <p>Specified in the Avifauna Management Plan.</p> <p>Specified in the Marine Mammal Management Plan.</p> |
| Effects specific to Whareroa Marae. | <p>Reduction of the Project scope from the Environment Court direct referral application.</p> <p>Fund a longitudinal assessment of health and wellbeing against agreed marae outcomes for Whareroa Marae.</p> <p>Fund a one-off payment and then provision of an annual payment to the Whareroa Marae Reservation Trust for Whareroa Marae infrastructure projects.</p> |

Environmental Effects Assessments

POTL commissioned a number of technical assessments of the effects on the Project, which are appended to this application. The environmental effects identified, including the recommended management measures, are summarised below.



Table 2: Effects Assessment Summary

| Effect | Key Conclusions | Management Measures |
|--|--|--|
| Economics | No adverse effects. Regionally and nationally significant positive effects. | None required. |
| Marine Ecology | Low adverse effects. | Turbidity management. Wharf design to provide similar opportunities for hard shore habitat as existing wharves. |
| Marine Mammals and Underwater Construction Noise | Negligible to low adverse effects. | Specified Marine Mammal Management Plan, including: Use of observers to monitor Shutdown Zones. Soft start of pile driving machinery. Use of bubble curtain technology. |
| Avifauna | Temporary, less than minor adverse effects. | Specified in Avifauna Management Plan, including: Sand pile management; Gull colony and penguin relocation; and Artificial lighting. |
| Hydrodynamics and Sedimentation | Negligible to low adverse effects, outside and inside the shipping channel respectively. | Precluding dredging on the flood tide from using overflow. Regional Council certification of, and consent holder compliance with, a Dredge Management Plan. |
| Navigational Safety | Negligible adverse effects. | Maintain existing shipping operational controls. Apply previously proven controls around dredging vessel movements. |



| Effect | Key Conclusions | Management Measures |
|---------------------------------|--|---|
| | | Inform harbour users and marina operators and harbour master of dredging operations. |
| Landscape and Natural Character | Very low natural character effects. Very low to low landscape effects, except for a moderate landscape effect at one viewpoint from Whareroa Marae to the north-east. | None required. |
| Construction Noise | Negligible adverse effects. | <i>Augier</i> condition to cease pile driving at Butters Landing when adequate notice of a tangihanga at Whareroa Marae is given. |
| Air Quality | Negligible to low adverse effects | None required. |
| Climate Change | Low | None required. |

Consultation

In preparing this application, in accordance with the requirements under the FTA, POTL has undertaken consultation with tangata whenua, Regional Council, District Council, Department of Conservation and Ministry of the Environment. The consultation has shaped the scope of the Project. the information set out in this report, the proposed mitigation and management measures and the proposed consent conditions.

Statutory Consideration

The Project will satisfy the sustainable management purpose of the RMA. In particular, POTL considers that approval of the Project is expected to contribute to the wellbeing of people and the community at a regional and national level, while avoiding any unacceptable adverse effects, in accordance with section 5 of the RMA.

The Project will avoid any adverse effects on matters of national importance that are subject to protection under section 6 of the RMA. Furthermore, it responds positively to the range of other matters that must be had regard to under section 7 of the RMA.



The Project is aligned with the objectives and policies of the New Zealand Coastal Policy Statement, Bay of Plenty Regional Policy Statement, RCEP and TCP, as well as relevant iwi and hapū management plans (when considered from a planning perspective). Notable points of alignment with the statutory considerations include:

- > The appropriateness of enabling and consolidating significant infrastructure in an existing Port Zone, where the Project can easily integrate with the existing robust port-industrial character of the environs;
- > The functional and locational constraints that preclude any alternative locations or methods to achieve the Project objective;
- > The avoidance of adverse effects on areas of identified cultural, landscape and ecological significance;
- > Extensive consultation with potentially affected parties, including a wide range of groups representing tangata whenua interests;
- > The avoidance of any significant adverse effects on the environment;
- > A single point of “moderate” adverse landscape effects, considered acceptable given:
- > In terms of shipping, the temporary nature of the effect and its basis in a permitted activity;
- > In terms of the proposed southerly Sulphur Point cranes, the limited matters over which decision-making discretion is reserved, which do not enable consideration of landscape effects – which aligns with the fact that the Project is specifically anticipated in the Outline Development Plan;
- > The mitigation of other adverse effects to a range that varies from negligible to low, using mitigation measures that have proven successful in previous similar projects;
- > If approved, the Project’s estimated contributions to the ability of the community – extending to a national level – to provide for its economic well-being into the future.

Overall, no substantive points of policy non-compliance have been identified. Therefore, the Project is considered to be consistent with and supportive of, the relevant objectives and policies of the statutory instruments.

Conclusion

The Project is plainly consistent with the FTA’s purpose. The Port is already an infrastructure asset of national significance. The Project will enhance the Port by substantially increasing



its import and export throughput capacity, managed by comprehensive management plans and a robust suite of proposed consent conditions.

This report, the attached technical assessments, and other attached documentation canvasses the scope of the considerations that the FTA requires to be undertaken. POTL's view is that the application material demonstrates that the Project:

- > Complies with the policies, and will contribute to achieving the objectives, of the relevant policy statements and plans;
- > Will not cause any significant adverse effects, and will manage other effects to a negligible or low level;
- > Will achieve the purpose of the RMA and the directions of the Wildlife Act; and
- > Is significant at the regional and national levels, such that forgoing the Project would entrench substantial and compounding opportunity costs resulting from continued constraints on import and export activity at the Port.

On this basis, approval of the Project is consistent with, and would give effect to, the purpose of the FTA.



1. INTRODUCTION

This substantive application report supports an application by the Port of Tauranga Limited (“**POTL**”) for all necessary approvals under the Fast-track Approvals Act 2024 (“**FTA**”) to authorise all activities associated with the Stella Passage Development (“**the Project**”), which is a “listed project” under Schedule 2 of the FTA. The listing of the Project in Schedule 2 of the FTA recognises that it is a development that will deliver significant regional and national benefits.

While the Project is detailed throughout this report, in summary, the Project objective is to extend berths at the Port on both sides of Te Awanui/Tauranga Harbour, thus growing the Port’s capacity and ability to meet the future needs of importers and exporters.

In particular, the Sulphur Point container berths are nearing capacity due to demand and the growing global trend towards larger, more efficient ships. Without the wharf extension, international services are likely to face increased delays or will bypass New Zealand entirely.

The planned wharf extensions are within the Port of Tauranga’s (“**the Port**”) current footprint and have been signalled since 2003 in regional policies and development plans for the harbour. All construction will be staged to match market conditions and customer demand.

POTL acknowledges that Te Awanui/Tauranga Harbour is of immense cultural significance to local iwi and hapū and is closely linked to their identity and a taonga. POTL also recognises that the harbour is an important amenity and recreational asset for the wider Tauranga community.

This introduction:

- > Provides background information on POTL and the Port;⁴
- > Identifies key features of the Project site and Project components;
- > Describes the rationale for the Project;
- > Identifies the approvals that this application seeks approval for under the FTA; and
- > Summarises the previous Environment Court process relating to an earlier application for the Project;
- > Summarises the approach to managing the effects of the Project; and

⁴ In this report the Port of Tauranga Limited (the port company) is referred to as “POTL”. Physical port facilities and infrastructure are collectively referred to as “the Port”. So, POTL is the company that operates the Port.

- > Summarises the Port's approach to engagement.

1.1 THE APPLICANT, PORT OF TAURANGA LIMITED

POTL was established under the Port Companies Act 1988 to replace the former Bay of Plenty Harbour Board. POTL operates the Port to provide customers with highly effective supply chains internationally and within New Zealand. POTL's vision for the Port, stated in the 2024 Annual Report, is:

New Zealanders will value the port as an asset that drives our nation's prosperity by providing the most efficient access to global trade.

Indicative of the Project's significance, POTL's facilities in Tauranga are New Zealand's largest container terminal (at Sulphur Point) with extensive bulk cargo wharves and storage facilities, and bunker berths (at Mount Maunganui). The Port is served by state highways and is connected by rail to Hamilton (including the Ruakura Inland Port), Auckland and the central North Island. The Economic Effects Assessment for the Project (**Appendix 1**) confirms the Port's national significance, noting:

POTL has risen to pre-eminence and overtaken Auckland in the past 15 years, with a focus on exporting produce from the central and upper North Island, which has the country's most productive primary production region covering farming, forestry and horticulture and their processed products. POTL is closer to these productive areas and less congested in its inland transport connections than Auckland. Therefore, it is well-placed to handle exports from and imports to the upper North Island, which has some of the fastest-growing regions in New Zealand.

POTL's presence in the Bay of Plenty provides an economic anchor for Tauranga, which is New Zealand's fifth largest city (and which continues to grow). POTL directly employs approximately 280 people. In addition, Port operations stimulate other businesses and supports several thousand jobs in associated industries and services, across Tauranga, the wider Bay of Plenty region and beyond.

Economic activity directly related to POTL's business operations are only a small component to the Port's wider significance. The key value in the Port's operations is its important role in facilitating trade and thereby supporting other industries to create value across the regional and national economies. On this note, the Economic Effects Assessment reports that the Port handles 47% of the total value and 42% of gross weight of New Zealand's merchandise exports each year.

Priorities for POTL are to increase the Port's berthing capacity to cater for future cargo growth and projected growth in the size of the largest vessels to visit New Zealand, and to replace ageing sections of the Mount Maunganui wharves with modern infrastructure.

The Project is fundamental to these priority objectives, for the reasons given in the Project Rationale discussion in Section 1.4 of this report.

1.2 PROJECT SITE

The Port, which is the largest in New Zealand in terms of cargo volume and container throughput, occupies the coastal margin of Te Awanui/Tauranga Harbour between Tauranga and Mount Maunganui as below.



Figure 2: General Port location.

The site is in the Port Zone and the consented area of coastal occupation by POTL that is defined by and Outline Development Plan within the RCEP. The only exception to this is the landward portions of the range of the proposed Sulphur Point cranes, which can traverse across MHWS.

The extract below from the Bay of Plenty Regional Council’s (“**Regional Council**”) RCEP maps shows the extent of the Port Zone with yellow hatching and POTL’s consented area of coastal occupation with blue shading, in the area around Stella Passage.

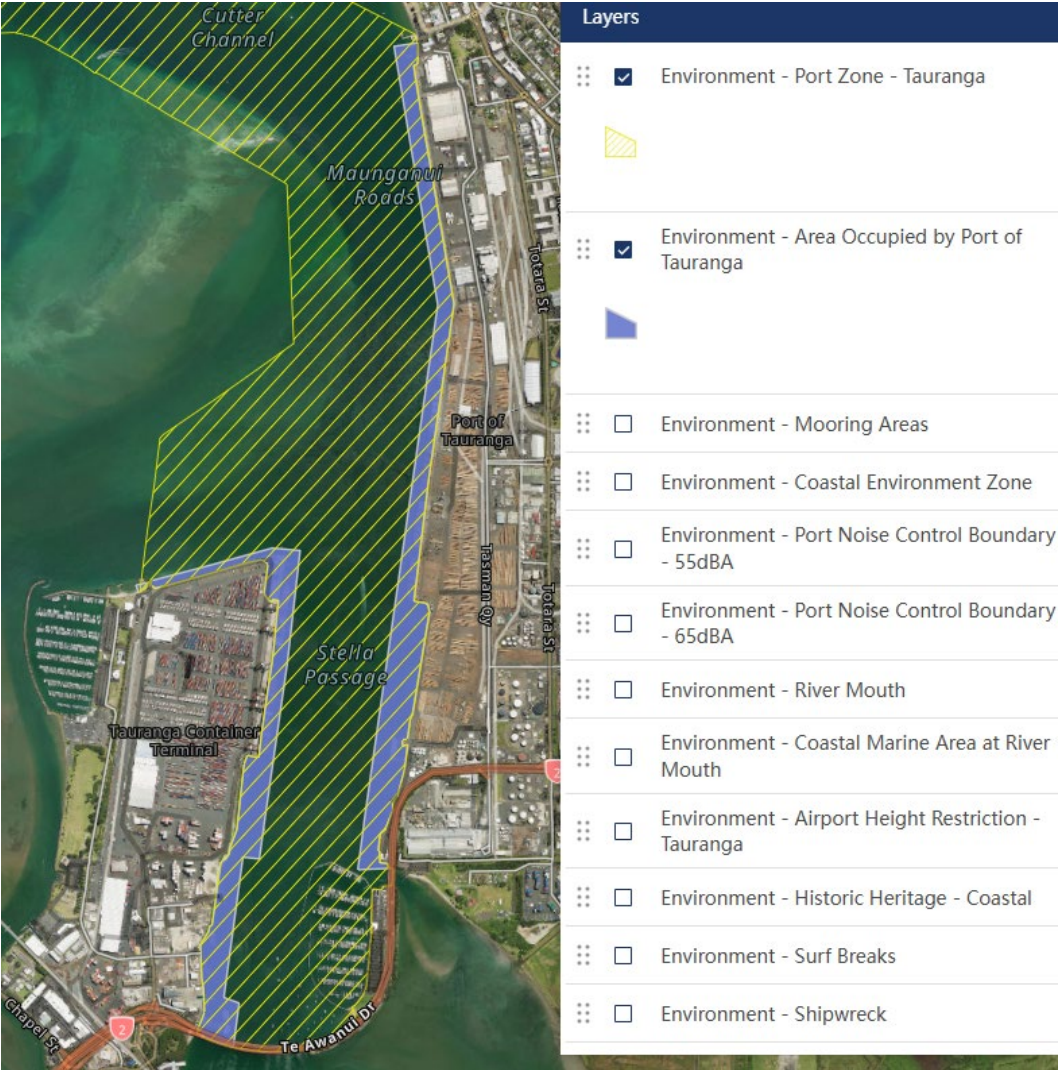


Figure 3: RCEP Port Zone and POTL coastal occupation maps.

1.2.1 Mount Maunganui Wharves

The modern form of the Port began with development of the Mount Maunganui wharves from 1953 onwards. Those wharves were most recently extended in 1988, creating the 2,060

metres (“m”) of continuous wharf that now exists on the east side of the Stella Passage shipping channel.



Figure 4: Construction of Mount Maunganui wharves.

Currently, the Mount Maunganui wharves are used by ships carrying bulk and breakbulk freight such as logs, cement, refined oil products and other chemicals, fertiliser, stock feed, salt, wheat, gypsum, kiwifruit, vehicles and containers. More than 90 ha of land for cargo handling and storage is available behind the wharves and five bunker points are spread along the wharves to refuel ships while un/loading. At the southern end of the Mount Maunganui wharves, a single tanker berth receives refined oil products and other fluid products that are piped to nearby storage tanks. At the northern end of the Mount Maunganui wharves, cruise ships and kiwifruit charter vessels are mostly accommodated at berths 1 to 3.

The original sections of the Mount Maunganui wharves are berths 4, 5 and 6 at the northern end. They are still used for handling fishing vessels, car imports, some general cargo and visiting cruise liners on days with multiple calls.

These original sections of the wharves are at the end of their economic life and need to be replaced. They are incapable of handling heavier cargo operations and therefore are underutilised compared to the southern Mount Maunganui berths.

However, replacing these wharves without first adding capacity in the form of wharf extensions to the south of the Mount Maunganui wharves would constrain existing bulk cargo throughput, and prevent growth in bulk cargo handling capacity to satisfy demand.



Figure 5: Mount Maunganui wharves (foreground).

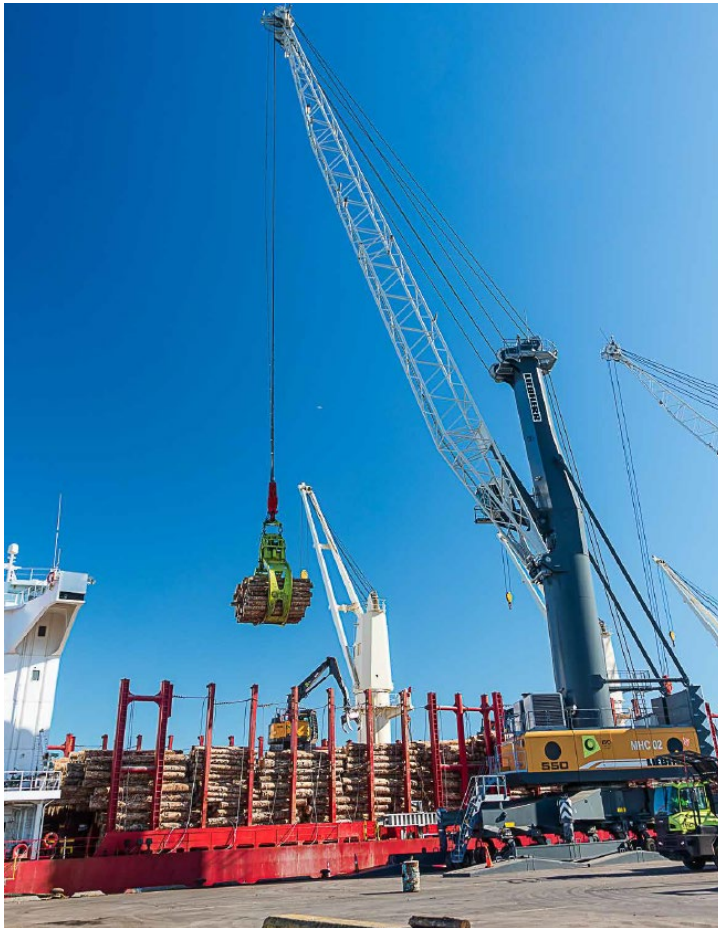


Figure 6: Bulk cargo handling at Mount Maunganui wharves.

Within the Mount Maunganui wharves, a section of the constructed rock seawall at the water's edge is occupied by a colony of tarāpunga/red-billed gulls, a species with a conservation status of At Risk – Declining. Surveys during 2022 to 2024 indicate that the colony has up to 800 individuals and over 250 nests.

In addition, a survey conducted in August 2019 yielded 16 indications of kororā/blue penguin burrows in the seawall occupied by the red-billed gull colony. All penguin detections were of deep burrows beneath rocks, or in sandy substrates underneath the asphalt road surface. As such, no penguins were seen during the survey, although faeces and feathers were observed and POTL staff have sighted penguins at night.

As such, despite uncertainty as to the number of penguins present, it appears that this species is present within the seawall at least occasionally.



Figure 7: Mount Maunganui seawall occupied by gull colony.

1.2.1.1 Cruise Ship Berthage at Mount Maunganui

The Port's busy cruise schedule includes the largest cruise vessels operating worldwide. Visiting cruise ships berth at the Mount Maunganui wharves, bringing tens of thousands of visitors annually to the Bay of Plenty and neighbouring regions.

In the summer of the 2024 financial year, 109 cruise ships visited Mount Maunganui. This neared the record of 116 visits during the 2018-19 season, which contributed \$89 million to the economy. At the time POTL's 2024 Annual Report was published, 91 cruise ship visits were scheduled for the season commencing on 18 October 2024.



Figure 8: The Ovation of the Seas (348 m LOA) at Mount Maunganui.

1.2.2 Sulphur Point Wharves and Port Operations

Sulphur Point was developed from 1969 onwards and is home to the Port's container terminal, located on the western side of the Stella Passage shipping channel. The wharves were most recently extended in 2013, by a northern extension increasing the wharves to 770 m length, with a mooring dolphin structure constructed approximately 31 m north of the end of the wharves.

Sulphur Point has the ground space and equipment (like cranes and straddle carriers) to accommodate growth in container throughput. However, growth is constrained currently by the length of the wharves, which limits the size and number of vessels able to berth simultaneously. Figure 9 below illustrates the inability to simultaneously berth three vessels when a larger vessel is present.



Figure 9: View north-west over Sulphur Point wharves and container terminal.



Figure 10: View south over Sulphur Point.

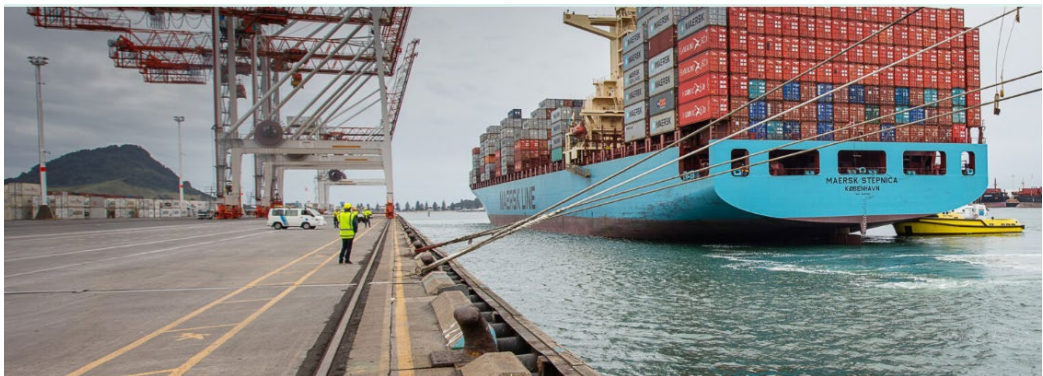


Figure 11: View north along Sulphur Point wharves.

The current 770 m long container wharf at Sulphur Point accommodates about 700 ship calls a year, or two ships a day on average. The current configuration has capacity to handle 1.3 million to 1.4 million Twenty foot Equivalent Units (“**TEU**”) across the wharf annually.



Figure 12: Vessels berthed at Sulphur Point wharves.

An undeveloped, irregularly shaped approximately 0.5 hectares (“ha”) area of waterside land, referred to as the “sand pile”, is located approximately 400 m south of the Sulphur Point wharves. The sand pile is used by POTL to store material yielded by maintenance dredging, which can be used later for beach renourishment.

The sand pile is an artificial feature created by the original Sulphur Point reclamation and subsequently modified by POTL’s sand storage operations. Nevertheless, it is now used as habitat by various bird species including godwits, gulls, oystercatchers, dotterels and terns with At-Risk or Threatened conservation status.

The Project does not propose any development of the sand pile. POTL does not propose to alter the current use of the sand pile for the storage of sand to be used in beach renourishment, but does propose to manage these operational activities in line with a management plan associated with the Assessment of Effects on Birds discussed at Section 6.8 of this report.



Figure 13: View over sand pile.



Figure 14: Sand pile location.

1.2.3 Stella Passage Shipping Channel

Stella Passage is the section of the shipping channel that is bordered to the west by the Sulphur Point and to the east by the Mount Maunganui wharves. Part of it is currently dredged to approximately 14.5 m depth, but is consented to be deepened to 16 m to give vessels adequate clearance, as described in Section 3.5 of this report.

The southern end of Stella Passage is approximately level with the end of the Sulphur Point wharves. Beyond this point, Stella Passage merges into the shallower “Town Reach” section of the harbour, which extends under the Tauranga Bridge Marina and the Harbour Bridge.

To the north, Stella Passage merges into the “Maunganui Roads” section of the shipping channel north of the Sulphur Point reclamation.

Capital dredging to deepen and widen Stella Passage and provide vessel access to the wharves was done during 1968 – 1978, 1991 – 1992 and 2015 - 2016. Maintenance dredging to maintain the depth of the shipping channel is usually done annually.

The location of Stella Passage relative to the wharves either side, the Harbour Bridge and Marina to the south and the Harbour Entrance and a wider part of Te Awanui/Tauranga Harbour is shown below.



Figure 15: Project setting.

1.3 PROJECT DETAILS

While a detailed description of the Project is provided in Section 4 (The Project) of this report, Figure 16 (below) gives an overview of the Project layout and key components, which are:

- > Deepening, by dredging, of approximately 10.55 ha of Stella Passage to a finished depth of approximately 16 m below Chart Datum (“**CD**”) (approximately mean low water spring tide). This would yield a volume of dredgings of approximately 1.5 million cubic metres (“**Mm³**”). This dredging will provide clearance for vessels to berth at the proposed wharf extensions.
- > Maintenance dredging, on an as needed basis, to maintain an operational depth of 16 m below CD within sitting basins and the shipping channel of Stella Passage.
- > Reclamation of approximately 3.58 ha of the coastal marine area (“**CMA**”) either side of Stella Passage, to facilitate the wharf extensions. Approximately 1.81 ha is to be reclaimed on the Sulphur Point (western) side, and approximately 1.77 ha is to be reclaimed on the Mount Maunganui (eastern) side;
- > Development of an approximately 385 m long extension to the south of the existing Sulphur Point wharves;

- > Development of an approximately 315 m long extension to the south of the existing Mount Maunganui wharves;
- > Development of new structures in the CMA, primarily wharf piles, mooring poles and jetties; and,
- > Construction and use of additional cranes atop the proposed Sulphur Point wharf extensions for port operations (shipping container handling).

The full set of the proposed plans for the Project are provided as **Appendix 29** to this report.

The Project components can be further delineated into two main stages (albeit these are broadly framed) as follows:

Table 3: General Project Staging

| | STAGE 1 | STAGE 2 |
|-----------------|---|---|
| SULPHUR POINT | Reclaim 0.88 ha of the CMA between the southerly extent of the existing wharf and the sand pile. | Reclaim 0.93 ha of the CMA south of the Stage 1 reclamation. |
| | Develop a 285 m long extension to the wharf in front of the reclamation. | Develop a 100 m long extension to the wharf in front of the Stage 2 reclamation. |
| | Install 2 cranes 110 m tall and 2 cranes up to 78 m tall – timing not limited to either stage. | |
| STELLA PASSAGE | Dredge 6.1 ha of Stella Passage to 16 m CD depth, requiring approximately 850,000 m ³ of dredging. | Dredge approximately 4.45 ha of Stella Passage (outside the authorised footprint of POTL's existing 62920 resource consent) to 16 m CD depth. |
| | 5.9 ha of the 6.1 ha to be dredged is authorised by existing resource consent 62920, but only to a depth of 12.9 m CD. For the avoidance of doubt, POTL confirms that this application does seek to re-authorise that previously consented dredging. | This will require approximately 650,000 m ³ of dredging. |
| MOUNT MAUNGANUI | <i>Nil.</i> | Reclaim 1.77 ha of the coastal marine area south of the existing Mount Maunganui wharves. |



| | STAGE 1 | STAGE 2 |
|--|---------|--|
| | | <p>Develop a 315 m long extension to the Mount Maunganui wharves in front of the reclamation.</p> <hr/> <p>Provide 200 m of gull habitat south of the wharf extension.</p> <hr/> <p>Install 11 mooring/breasting dolphins beside the existing cement tanker berth and south of the proposed 315 m Mount Maunganui wharf extension.</p> <hr/> <p>Move the existing ferry ramp northwards.</p> <hr/> <p>Move existing jetties north towards the ferry ramp.</p> <hr/> <p>Develop a bunker barge jetty and associated mooring/breasting dolphins between Butters Landing and the ferry ramp.</p> <hr/> <p>Develop penguin ramp and habitat at the south end of Butters Landing.</p> |

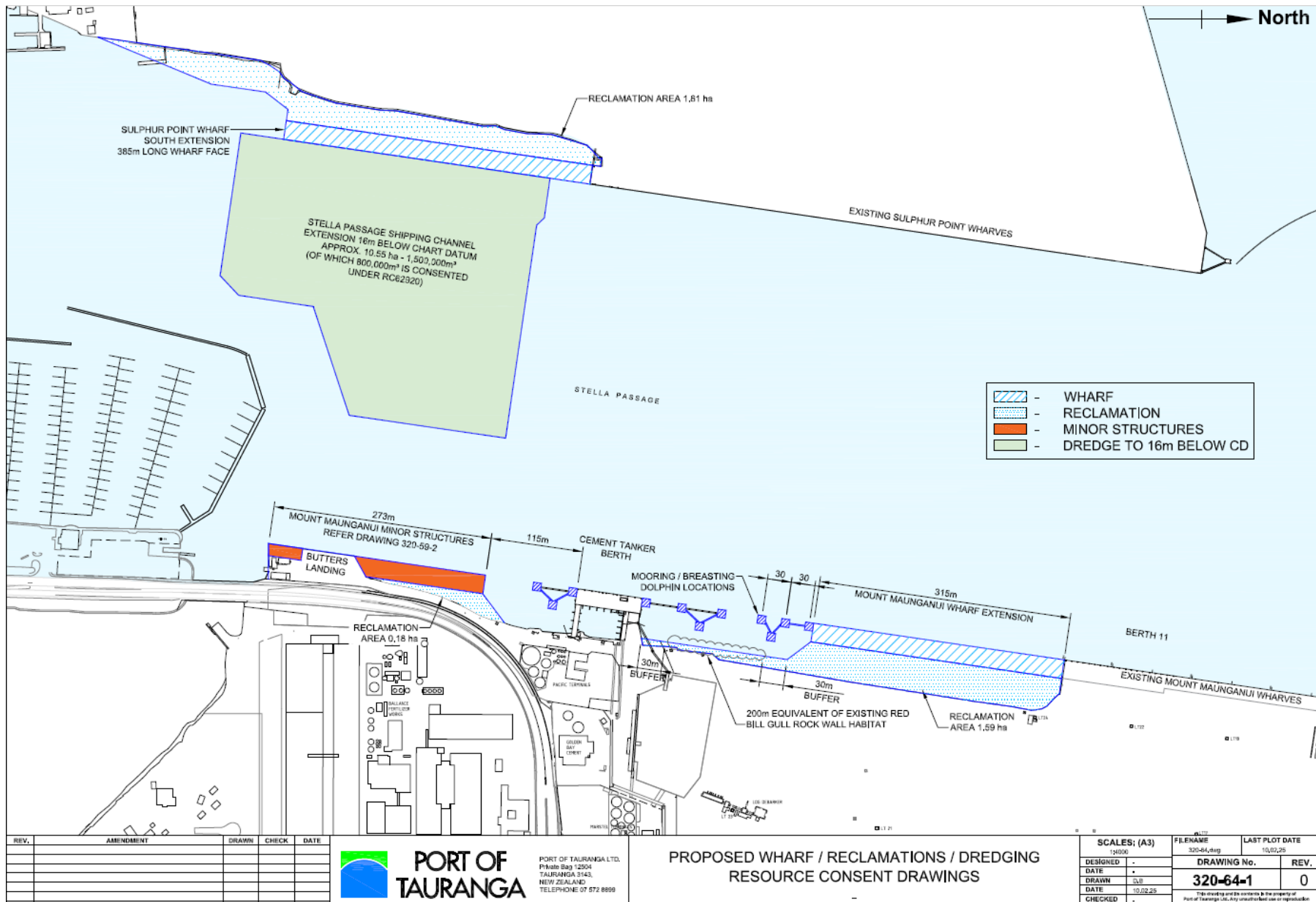


Figure 16: Project overview.



1.4 PROJECT RATIONALE

The Port is the busiest port in New Zealand. It experiences the highest number of visits by both container ships (to Sulphur Point) and bulk cargo ships (visiting Mount Maunganui). The Port is also a significant destination for cruise ship visits.

The Port's operation and scale means it is New Zealand's largest port by volume throughput by a large margin. The Port handles approximately 50% more containerised and bulk cargo tonnage than New Zealand's second-largest port (Port of Auckland).

As the Port's existing operations are constrained at both wharves, the key driver for the Project is to address these constraints. Doing so will ensure that New Zealand does not incur significant, compounding economic opportunity costs resulting from unrealised growth in import and export activity. Port productivity is a national issue and is of great concern to customers seeking efficient access to international markets.

POTL recognises that this Project has been planned for some time (evidenced by its recognition in the RCEP) and is extremely important for the Upper North Island supply chain, due to New Zealand and the Bay of Plenty's growth. While POTL has been planning the Project, it has become increasingly urgent due to factors such as congestion experienced since the COVID-19 pandemic and operational issues experienced at the Port of Auckland.

Once completed, the Project will have significant benefits for the local, regional and national economies and will also make a significant contribution to local employment.

The purpose of the FTA is stated as:

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

The Project is plainly consistent with the FTA's purpose. The Port is already an infrastructure asset of national significance. The Project will enhance the Port by substantially increasing its import and export throughput capacity. The consequence of this increased capacity is additional economic activity that would be forgone if the Project is not consented.

The Economic Effects Assessment (**Appendix 1**) estimates that the level of economic activity in question is in the range of \$792 million to \$1.179 billion in 2033. If forgone, this would represent a reduction of approximately -0.16% to -0.24% in New Zealand's Gross domestic product ("**GDP**"). The Economic Effects Assessment further reports that (**emphasis added**):

*These may not seem high, but **they are repeated and grow over successive years** as long as the constraints [i.e., insufficient Port throughput capacity] remain. They are not*



inconsequential numbers and testify to the national significance of extending capacity at POTL's wharves.

The Economic Effects Assessment concludes that:

The effect of not consenting the Project would be to constrain the ability of POTL to meet growth in demand for shipping services to and from New Zealand. At a time when other ports are facing their own constraints on infrastructure capacity and environmental limits, such constraint has implications well beyond Tauranga. It will put a drag on export activity in the wider Waikato and BOP regions. These are large, fast-growing regions within New Zealand's economy, so constraints on their ability to export have significant implications at both national and regional levels. In resolving that constraint, the Project would enable improvements in economic activity across the wider region and country.

This section further details the Project rationale. Section 21.5 (Consequences of Inaction) summarises the economic consequences for Tauranga and New Zealand if the Project is not approved and no action is taken to resolve the issues confronting POTL.

1.4.1 Rationale for Sulphur Point Wharf Extensions

The rationale for the proposed extension of the Sulphur Point wharves by 385 m is driven by the following matters:

- > Sulphur Point is approximately two to four years away from reaching its container handling capacity, and projections indicate that a near-doubling of capacity will be required if the Port is to cope with estimated demand in the long-term;
- > Ongoing congestion and scheduling issues in the global shipping network mean only about one-third of vessels reach Tauranga on schedule. The constraint presented by the length of the Sulphur Point wharves limits POTL's capacity to service vessels promptly, meaning groups of vessels are often present at anchor off Tauranga, exacerbating delays and costs while awaiting a berthing slot for servicing; and
- > Trends in ship manufacturing for bigger ships. Bigger ships present fuel and emissions efficiency advantages and therefore are a preferable transport mode. The current length of the Sulphur Point wharves only enables two bigger ships (e.g. 347 m length) to berth simultaneously.

Extending the Sulphur Point wharves will increase the Port's container handling capacity to secure long-term growth, and enable more ships, including bigger ships, to berth simultaneously, thereby reducing delays and increasing productivity at the Port. Additional detail is below.

1.4.1.1 Urgent container handling capacity constraints

The current 770 m long configuration of the Sulphur Point wharves hosts about 700 ship calls a year, or about two ships daily on average, of which a portion comprises ships of up to 347 m length. Berthing two such bigger ships simultaneously would almost fill the wharves, with some 70 m of space remaining for berthing operations and mooring arrangement separation.

These current arrangements provide an annual handling capacity of 1.3 million to 1.4 million TEU across the Sulphur Point wharves. The Port is nearing this limit, having handled approximately 1.24 million TEU in the 2022 financial year.

Modelling produced in 2023 by the New Zealand Institute of Economic Research estimated that under a capacity constraint of 1.3 million TEU, Sulphur Point would likely reach capacity by 2027. If the handling capacity constraint is 1.4 million TEU/year, the modelling indicated that Sulphur Point will probably reach its limits by 2029.

In contrast, POTL anticipates that to meet freight demand and capacity requirements for 15 years or more, it will need to approximately double Sulphur Point's current capacity, to handle 2.6 million TEU per year.

1.4.1.2 Congestion in global shipping networks

The global shipping network has encountered widespread disruption and congestion in recent years. These issues commenced in earnest with the COVID-19 pandemic in 2020 and have continued because of threats of conflicts and other issues in the network. Recently, congestion in Asia has worsened as ships avoid the Red Sea, with delays plaguing ports in Singapore, Malaysia, China, Sri Lanka and the United Arab Emirates.

While POTL has worked hard to provide the resource and productivity to maintain berth windows at Tauranga, at present only approximately 33% of vessels arriving at Tauranga are on time.

Ships often arrive in bunches, resulting in delays at anchor during peak times. The Port's limited flexibility to berth multiple large vessels simultaneously exacerbates delays as ships wait offshore from Tauranga to berth. These delays can have consequential implications for the shipping costs accrued by POTL's customers.

1.4.1.3 Trend for bigger, more efficient ships

Bigger ships have better fuel efficiency and produce fewer emissions per container and, especially when combined with rail, offer a significantly lower carbon supply chain over a typical container journey.

Larger container vessels generate fewer emissions per container transported. The carbon footprint for an import container transported from Shanghai to Tauranga on a ship of 9,500 TEU capacity is around 20% smaller than the same container shipped from Shanghai to Auckland on a 4,500 TEU vessel. This remains true even when the emissions derived from transferring the container by rail from Tauranga to Auckland are factored in.

With regards to export freight, an export container sent by rail from Hamilton to Shanghai via Tauranga on a big ship has a carbon footprint about 23% smaller than if the same container is sent via Auckland on a smaller ship.

The Port has invested in capacity to host larger vessels, including by deepening and widening the shipping channels in 2015-16, expanding cargo storage and handling facilities, and building a network of inland ports for cargo aggregation. The Port is the only New Zealand port capable of handling larger container vessels and consequently, it is regularly visited by vessels with capacity of around 9,500 TEUs.

POTL expects larger vessels to cascade into the Oceania network as newly built ships are introduced to the Northern Hemisphere trade routes and older vessels are scrapped. This trend towards bigger ships will lead international services to focus on one or two large-scale ports in New Zealand, led by Port of Tauranga, with an emerging 'hub and spoke' port network to service the balance of the country's 13 ports.

However, the increase in the average size of container ships over time is putting pressure on berth capacity at Sulphur Point. Bigger ships occupy more wharf space and carry a greater cargo volume. Their presence therefore limits the space available for other vessels to berth at the same time, as big ships occupy more of the wharf for a longer period. At 770 m, the Sulphur Point wharves are not long enough to berth three larger vessels simultaneously. This is a significant limitation with broader consequences for New Zealand's freight network, given there is only one other port (Northport) able to accommodate ships of 14.5 m draught.

The current length of the Sulphur Point wharves is a significant constraint for POTL and therefore for the wider import/export sector. However, the efficiencies of bigger ships in terms of reduced fuel costs and emissions intensity mean the trend for larger ships will continue. The Port's infrastructure must be improved accordingly.

1.4.2 Rationale for Mount Maunganui Wharf Extensions

The rationale for extending the Mount Maunganui wharves by 315 m and improving the tanker berth and Butters Landing is driven by the following matters.

1.4.2.1 Berthing capacity constraints

At 2,060 m long, the Mount Maunganui wharves are confronted with a similar constraint in accommodating multiple larger vessels simultaneously. The problem is compounded by the inadequacies of the older sections of the wharves. The Mount Maunganui wharves originally provided 11 berths and one tanker berth. However, the reality is there are now only ever nine available berths plus the tanker berth. Bulk cargo ships and (in particular) cruise ships that visit the Mount Maunganui wharves are getting longer. The larger ships occupy more space at the wharves and therefore reduce berthing space available to other vessels.

This constraint produces an opportunity cost represented by reduced bulk cargo handling capacity compared to that which could be achieved if the wharves are extended.

Initiatives such as book ends, and high stackers (specialised log handling machines) have enabled more intensive storage of logs. However, there has been no increase in available berth space with this growth in log volume. Therefore, the number of ships waiting at anchor for an opportunity to berth has grown dramatically, peaking in June 2019 with 12 logging vessels at anchor waiting for a free berth.

1.4.2.2 Tanker berth constraints

The provision of one tanker berth for un/loading liquid fuels, chemicals and cement can cause congestion. Even at 50% utilisation, long wait times for the tanker berth can arise.

This facility also presents a basic risk of loss of service in the event of failure, as there is no secondary mooring facility.

The Project will enable more flexibility and utilisation of the tanker berth facilities for loading/unloading liquid fuels, chemicals and cement, by enabling a second ship moored at the dolphins to connect to the tanker berth facilities. The supplementary mooring facilities will remove the risk of loss of service in the event of failure and alleviate congestion (by enabling a second ship moored at the dolphins to connect to the tanker berth facilities).

1.4.2.3 Replacement of berths 4, 5 and 6

Berths 4 - 6 at the northern end are the original Mount Maunganui wharves built in the 1950s. They are at the end of their economic life and are relatively underutilised compared to the southern Mount Maunganui berths, because they cannot accommodate large modern bulk cargo handling equipment.

These berths are to be replaced with more robust wharves suitable for modern cargo handling equipment and larger vessel sizes. This will improve their utilisation when not in

use for cruise ship visits or other purposes. POTL holds a resource consent (number 68192) authorising the rebuild of these wharves.

However, taking a berth “offline” for replacement in the absence of additional capacity provided elsewhere (i.e., by this Project) would further constrain POTL’s productivity for the duration of the replacement works. It is more prudent to complete the proposed wharf extensions first, and then reposition vessels typically moored at berths 4 to 6 while the old wharves are progressively replaced.

Similarly, existing facilities at Butters Landing, at the south end of the Mount Maunganui wharves, are to be reconfigured, as a measure that will increase mooring capacity for the smaller vessels that are allocated to this section of the Port.

Consequently, the benefits of this Project include the provision of berthing capacity that will offset the deactivation of the existing berths for an extended period while they are replaced.

1.5 CONSEQUENCES OF INACTION

The Project’s Economic Effects Assessment, attached to this application, sets out the costs of not acting to resolve the issues that confront POTL.

That assessment calculates the opportunity costs of forgoing growth in container handling and bulk cargo handling capacity under different scenarios. For Sulphur Point, the anticipated limits of 1.3 million or 1.4 million TEU per year are applied. For Mount Maunganui, scenario of 5% or 8% growth in bulk cargo handling arising from the wharf improvements are applied. The range of opportunity costs are:

- > The opportunity cost to the Tauranga economy of forgoing the Project will be in the order of:
 - > \$79 M - if container handling capacity beyond 1.3 M TEU/year and bulk cargo handling growth of 8% is forgone; or
 - > \$54 M - if container handling capacity beyond 1.4 M TEU/year and bulk cargo handling growth of 5% is forgone.
- > The opportunity cost to the New Zealand economy of forgoing the Project will be in the order of:
 - > \$1,172 M (\$1.172 billion) - if container handling capacity beyond 1.3 M TEU/year and bulk cargo handling growth of 8% is forgone; or
 - > \$792 M (\$0.79 billion) - if container handling capacity beyond 1.4 M TEU/year and bulk cargo handling growth of 5% is forgone.

1.6 APPROVAL REQUIREMENTS

1.6.1 Resource Consent Requirements

POTL is applying pursuant to section 42(4)(a) and schedule 5 of the FTA for all necessary resource consents required for the capital and maintenance dredging, reclamation, disturbance of the seabed, discharges to the CMA, and land use activities associated with the Project.

The Project requires resource consent under the Resource Management Act 1991 (“**RMA**”) by way of the RCEP for the activities below:

- > Maintenance dredging as a **controlled** activity under RCEP rule PZ 5;
- > Development of structures in the CMA and the associated occupation of coastal space as a **restricted discretionary** activity under RCEP rule PZ 8;
- > Development of cranes as a **restricted discretionary** activity under RCEP rule PZ 9;
- > Dredging (including discharges and disturbance) of the seabed as a **restricted discretionary** activity under RCEP rule PZ 10; and
- > Development of reclamations as a **restricted discretionary** activity under RCEP rule PZ 11.

The above activities entail the matters specified at the following sections of the RMA:

- > Section 12(1)(a) - reclamation of the seabed;
- > Section 12(1)(b) - erection and extension of structures fixed to the seabed;
- > Section 12(1)(c) – disturbance of the seabed in a manner likely to have an adverse effect on the seabed;
- > Section 12(1)(d) – deposition of any substance in, on, or under any foreshore or seabed in a manner likely to have an adverse effect;
- > Section 12(1)(e) - disturbance of the seabed in a manner likely to have an adverse effect on plants, animals or their habitat; and
- > Section 12(2)(a) – occupation of the of the common marine and coastal area.

The Project also requires a land use consent under the Tauranga City Plan (“**TCP**”) for the development of cranes over 100 m in height above New Zealand Vertical Datum 2016 (“**NZVD16**”), as a **restricted discretionary** activity under TCP rule 18A.15.b. This entails an activity subject to section 9(3)(a) of the RMA.



The dual (district and regional) resource consent requirements for the cranes arise from the cranes operating across an area over the CMA and above Mean High Water Springs (“**MHWS**”).

It is appropriate to bundle the activities for which consent is required, as they are inter-dependent. Therefore, overall the Project activities are provided for as a **restricted discretionary** activity.

POTL holds existing resources consents for dredging and deposition that will support the Project, as described in Section 3.5 of this report.

1.6.2 Wildlife Approval

Section 63(1)(b) of the Wildlife Act 1953 (“**Wildlife Act**”) makes it an offence to capture and/or have in one’s possession, absolutely protected wildlife, without appropriate approval.

Tarāpunga/red-billed gulls and kororā/blue penguins are absolutely protected wildlife under the Wildlife Act. Both species utilise a constructed rock wall located in the footprint of the proposed Mount Maunganui wharf extension.

In developing the Mount Maunganui wharf extensions, the rock wall must be removed to allow for reclamation and wharf construction. It cannot be avoided as it is located squarely in the footprint of the wharf extensions.

POTL proposes to encourage the gulls and penguins to relocate from their current locations within the existing rock wall to replacement, higher quality habitat to be created nearby. The section of rock wall occupied by birds will only be dismantled outside of breeding seasons, to avoid disturbing nests. The replacement habitat for the birds to relocate to will be created in the year before works to dismantle the rock wall begin. These, and a range of associated measures, are detailed in the Avifauna Management Plan (**Appendix 2a**) was developed as part of the Assessment of Effects on Birds (**Appendix 2**) that accompanies this application.

POTL does not propose to capture or possess any tarapungā/red billed gulls. These birds are likely to relocate of their own accord. However, it may be necessary for POTL’s trained penguin handler to physically remove and relocate any penguins that remain in the rock wall before it is dismantled. Therefore, POTL is applying pursuant to section 42(4)(h) of the FTA and schedule 7 (Approvals relating to Wildlife Act 1953) for a wildlife approval to capture and possess kororā/ blue penguins. This approval is a precautionary measure, to enable the relocation of individual birds that do not relocate of their own accord.



1.7 PREVIOUS APPLICATIONS FOR THE STELLA PASSAGE DEVELOPMENT

1.7.1 2020 – application under the COVID-19 Recovery (Fast-track Consenting) Act 2020

For the purposes of section 13(4)(u) of the FTA, it is noted that POTL applied for referral of a larger version of the Project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020 in October 2020. That application proposed the following activities, some of which differ to this Project, as follows:

- > 1.751 Mm³ of dredging over some 14.4 ha of Stella Passage;
- > 1.81 ha of reclamation behind the Sulphur Point wharf extensions;
- > develop a 385 m long extension to the Sulphur Point wharves;
- > 2.9 ha of reclamation behind the Mount Maunganui wharf extensions; and
- > develop a 918 m long extension to the wharves at Mount Maunganui.

In March 2021 the then-Ministers for the Environment and for Conservation declined to refer that earlier application. The Ministers' reasons for declining to refer that application were that anticipated significant public interest in the Project meant that they considered it more appropriate for it go through the standard RMA consenting process, as there is an expectation of opportunity for submitters to be involved as some activities occurred in the public domain (i.e., the CMA).

However, the ministers recommended that due to the Project's significance, POTL should also consider applying under sections 87D or 142 of the RMA for direct referral to the Environment Court or for processing of that application by a Board of Inquiry.

1.7.2 2021 – 2025 – application direct referred to the Environment Court

In May 2021 POTL applied to the Regional Council for a resource consent and shortly thereafter requested that the application be directly referred to the Environment Court under section 87D of the RMA. That May 2021 direct referral application proposed the same activities as the COVID-19 Fast-Track application discussed above.

The May 2021 application was due to be heard in mid-2022 but was adjourned, with a three week Environment Court hearing taking place in February/March 2023.

The May 2021 application was amended before the Environment Court hearing, by restricting dredging on the western side of Stella Passage to a depth of 6 m, such that south of the existing tanker berth (around Butters Landing), development would be restricted to minor structures.



The May 2021 application was further amended during the Environment Court hearing as follows:

- > the Mount Maunganui wharf extensions were reduced from 918 m to 315 m length;
- > in lieu of the wharf extensions, mooring and breasting dolphins were proposed to strengthen the existing cement taker berth and 315 m long Mount Maunganui extension;
- > the Mount Maunganui reclamation was reduced from around 2.9 ha to approximately 1.77 ha; and
- > the proposed dredging was reduced from approximately 14.4 ha to 10.55 ha and the associated dredging volume reduced from 1.8 Mm³ to some 1.5 Mm³ (i.e. no dredging in the eastern part of Stella Passage).

At the end of the Environment Court hearing, the May 2021 application was staged generally as shown in Table 2 above.

For the avoidance of doubt, this Project retains the amendments made during the Environment Court process, i.e. the reduced dredging footprint and extension to the Mount Maunganui wharves.

The Environment Court issued a first interim decision on 13 December 2023 providing that a resource consent for Stage 1 of the Project would be granted subject to its directions being addressed, including amendments to conditions. A decision on Stage 2 of the Project was reserved.⁵ A copy of the first interim decision is included at **Appendix 3** to this report. The decision is 169 pages long excluding appendices. The Court's findings were summarised in paragraph [615] as follows:

[615] We find that:

- (a) The amended proposal does not adequately provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (b) The amended proposal does not adequately provide for kaitiakitanga or appropriately address Policy IW 8 of the RCEP;*
- (c) The proposed Southern Te Awanui Harbour Health Plan could provide a basis to address tangata whenua concerns relating to Te Awanui but will require to be significantly clearer in terms of detail before that will be known;*

⁵ Port of Tauranga Ltd v Bay of Plenty Regional Council [2023] NZEnvC 270.



- (d) Three kaimoana surveys of Te Paritaha must be undertaken before we can make a final decision relating to Sulphur Point Stage 1;*
- (e) An appropriate ecological baseline survey must be undertaken and all encompassing baseline report describing the condition of the existing environment across the area of Te Awanui affected by Port activities must be provided before we make our final decision on other aspects of this case;*
- (f) Any cumulative effects on Whareroa Marae, however minor, would be contrary to the purpose of the RMA unless existing effects are remedied, mitigated or otherwise addressed appropriately by way of compensation or offsetting;*
- (g) Subject to appropriately addressing the above, we consider it likely that consent to proceed with Stage 1 of the Sulphur Point Wharf extension can be granted.*
- (h) All other parts of the application are unable to be granted until the matters raised in this interim decision are addressed.*

Between January and September 2024, POTL entered a phase of engagement with tangata whenua parties and worked on producing the matters required by the Court directions. POTL filed its substantive response to the Court’s directions on 30 September 2024. This response included documents such as a comprehensive State of the Environment report, as well as a revised set of proposed consent conditions. POTL asked the Court to issue consent for the Stage 1 Sulphur Point wharf extension based on POTL’s revised set of proposed consent conditions.

After POTL filed the documents addressing the directions in the first interim decision, the Court made a second interim decision on 16 December 2024.⁶ A copy of the second interim decision is included at **Appendix 4** of this report. The second interim decision granted consent for the Stage 1 Sulphur Point wharf extension subject to the conditions of consent proposed by POTL as part of that process and the amendments set out in the second interim decision.

Under the second interim decision, the Environment Court required POTL to submit amended consent conditions, agreed with the Regional Council, by 14 February 2025. A resource consent for Stage 1 of the Project would follow and a decision on Stage 2 remained to be reserved. The Court considered that from a Western science perspective there was no impediment to the grant of consent, that sufficient time had been allowed for tangata whenua input, and that further delays could not be justified.⁷

Three High Court appeals against the second interim decision were filed by the end of 2024.

⁶ Port of Tauranga Ltd v Bay of Plenty Regional Council [2024] NZEnvC 337.

⁷ Port of Tauranga Ltd v Bay of Plenty Regional Council [2024] NZEnvC 337 at [9] and [11].

While POTL worked with Regional Council on the amended set of conditions (noting that POTL and Regional Council continued to work together on the proposed consent conditions provided as part of this application), none were filed, because on 13 February 2025, in anticipation of lodging this application under the FTA, POTL requested that the Environment Court direct referral proceedings be placed on hold pending acceptance of this FTA application by the Environmental Protection Authority. When this FTA application is accepted, POTL will request that its Environment Court direct referral application is withdrawn from the direct referral process, pursuant to section 94(3) of the FTA.

1.8 APPROACH TO MINIMISING EFFECTS AND THEIR MANAGEMENT

While the benefits of the Project are significant and clearly meet the purpose of the Act, as discussed in Sections 1.4 and 10.3 of this report, environmental effects must be managed appropriately.

Section 6 of this report provides an assessment of the actual and potential effects of the Project, based on the technical assessments commissioned by POTL. Many of the technical assessments have recommended the implementation of measures to avoid, remedy or mitigate potential adverse effects on the environment. These recommendations have shaped the development of a robust suite of proposed consent conditions to attach to the various approvals sought, as provided in **Appendix 5** of this report. Notably, these proposed consent conditions are similar to those which have already been subject to the Environment Court process described in Section 1.7 above.

POTL's activities would also be managed by comprehensive management plans developed with appropriate input from technical experts. These management plans are listed in Table 4 below, with POTL seeking for some to be certified as part of the fast-track process and some to be certified by the consent authority (the Regional Council) at a later date.

Table 4: Stella Passage Development Management Plans

| Management Plans to be approved / certified as part of the fast-track process |
|--|
| Marine Mammal Management Plan (provided as an appendix to the Marine Mammal Assessment provided as Appendix 6 to this report. |
| Avifauna Management Plan (Appendix 2a). |
| Management Plans to be approved / certified at a later date by the consent authority |
| Reclamation and Construction Management Plan (draft contained in Appendix 7) |
| Mātauranga Monitoring Plan – to be completed as a requirement of consent. |
| Dredge Management Plan (draft contained in Appendix 8) |

Section 7 of this report summarises the key management and mitigation measures proposed by POTL for the Project.

Overall, POTL are seeking approval for a regionally and nationally significant project that is clearly aligned to New Zealand’s development goals, and which, subject to the implementation of the proposed effects management measures, appropriately addresses the Project’s potential adverse environmental effects.

1.9 APPROACH TO ENGAGEMENT WITH TANGATA WHENUA, COMMUNITY, STAKEHOLDERS AND INTERESTED PARTIES

Acknowledging the historical engagement and consultation undertaken as part of previous application processes, POTL has adopted and promoted an active and open stakeholder engagement approach with tangata whenua, and the relevant local, regional and central government agencies. In doing this, POTL has met all consultation requirements set out in section 11 of the FTA.

Additionally, POTL has offered support and resourcing to tangata whenua to enable them to prepare Cultural Values Reports (“**CVR**”) for the Project. The CVRs submitted to POTL, and the ongoing engagement and consultation undertaken by POTL, has assisted in ensuring that Māori cultural values and interests, and the potential impacts of the Project on these, are identified and provided for to the extent practicable.

POTL acknowledges that some iwi/hapū have communicated an intention to provide CVR directly to the Panel in the course of the application’s processing, and have not provided the documents to POTL.

Section 8 of this report, and the appendices referenced there, provides an overview of POTL’s consultation on the Project.

1.10 REPORT STRUCTURE

This report, including the effects assessments, conclusions and recommendations, is informed and directed by an extensive suite of technical reports prepared to support the application. The technical reports form a supplementary bundle to this report, and they identify:

- > the range of potential environmental effects associated with the Project;
- > the scale and scope of the Project’s potential effects; and
- > the necessary measures to appropriately manage the Project’s effects.



This report is intended to be read as a standalone document, along with its appendices inclusive of the proposed consent conditions, which provides the expert consenting panel with the information needed to determine POTL's application in accordance with section 81 of the FTA.

This report comprises the following sections:

- Section 1:** This introduction.
- Section 2:** Identifies the statutory context applicable to this application.
- Section 3:** Provides a description of the existing environment.
- Section 4:** Provides a description of the Project.
- Section 5:** Identifies the relevant approvals required.
- Section 6:** Provides an assessment of the actual and potential environmental effects associated with the Project.
- Section 7:** Summarises the proposed management and monitoring measures.
- Section 8:** Provides an overview of consultation undertaken by POTL.
- Section 9:** Discusses Treaty of Waitangi settlement obligations.
- Section 10:** Provides a statutory assessment against the relevant planning document set out in Schedule 5, clause 5 of the FTA.
- Section 11:** Provides a statutory assessment against the relevant requirements for a wildlife approval in accordance with Schedule 5, clause 2 of the FTA.
- Section 12:** Provides a concluding statement.



2. STATUTORY CONTEXT

The FTA provides efficiencies by enabling multiple approvals under different legislation to be applied for together, and the applications for each approval determined simultaneously by an expert consenting panel. For this Project, POTL is applying for all necessary approvals, under both the RMA and the Wildlife Act, to authorise the activities associated with the Project. This section details the applicable statutory requirements.

2.1 FAST-TRACK APPROVALS ACT 2024

The FTA was granted royal assent on 23 December 2024. Section 3 of the FTA states that:

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

Under the FTA, the Project is one of the “listed projects” identified in Schedule 2 of the FTA.

A listed application is termed a “substantive application” in the FTA. A substantive application must be made by the “authorised person” specified in Schedule 2 FTA. POTL is specified as the authorised person for this application.

2.1.1 Pre-lodgement Requirements

The FTA sets out specific pre-lodgement requirements which are summarised below.

Sections 29(1)(a) and 11 of the FTA specify pre-lodgement consultation requirements. POTL’s consultation program, described in in Section 8 of this report, fulfilled all of the pre-lodgement consultation requirements.

Section 30(2) of the FTA requires resource consent applicants to “...notify in writing each consent authority that has jurisdiction over an area where the approval would apply”. The relevant consent authorities in this case are the Regional Council and the Tauranga City Council (“**City Council**”).

Notification to these authorities prompts an information exchange if a consent authority identifies that the area subject to the application is subject to an existing resource consent(s) for coastal activities, discharges, or an activity relating to water or a river or lakebed. These arrangements enable existing resource users to exercise pre-emptive rights under RMA sections 124 and 165ZH to apply to renew existing resource consents.

However, this application does not intersect any existing consented activities. This has been confirmed by the Regional Council and the City Council, with copies of the relevant correspondence appended to this application (**Appendix 9 (Regional Council s30 Letter)** and **Appendix 10 (District Council s30 Letter)**).



2.1.2 Requirements for Substantive Applications

Sections 42 - 44 of the FTA identify the information requirements for substantive applications.

Section 42 sets requirements around who can apply under the FTA and what approvals can be applied for. Broadly these are as follows:

- > *Section 42(1) - the authorised person for a listed Project must lodge the application with the Environment Protection Authority (“EPA”).*

This requirement is met because POTL is both the authorised person (per Schedule 2 of the FTA) and the applicant.

- > *Section 42(3) - the applicant must be eligible to apply for any corresponding approval.*

This requirement is met as POTL is eligible to apply for a resource consent and/or a wildlife approval under the corresponding acts.

- > *Section 42(4) - an application can seek approvals under different legislation.*

In this case, a resource consent and a wildlife approval are sought pursuant to sections 42(4)(a) and (h) of the FTA.

- > *Sub-sections 42(5) – (13) further limit the types of applications that can be made.*

None of these limitations apply to the Project.

- > *Section 43 of the FTA describes the information that must accompany a substantive application.*

The information, and the section of this report that addresses it, is listed below.

- > *Must be lodged in the form and manner approved by the EPA.⁸*

This report has been prepared to comply with this requirement;

- > *Must explain how the Project is consistent with the purpose of the FTA.⁹*

Addressed in Sections 1.4 and 10.3 of this report;

- > *Must demonstrate that the Project does not involve any ineligible activities.¹⁰*

⁸ Section 43(1)(a) of the FTA.

⁹ Section 43(1)(b)(i) of the FTA.

¹⁰ Section 43(1)(c) of the FTA.



Addressed in Section 2.4 of this report;

- > *Must, if the application is lodged by more than one authorised person, state the proposed approval to be held by each person.*¹¹

Not applicable – POTL is the authorised person lodging the application;

- > *Must comply with any information requirements specified by the Minister under section 27(3)(b)(ii).*¹²

Not applicable – the Project is not a referral project;

- > *Must comply with the requirements listed in subsection (3) that apply to the approvals sought.*¹³

Addressed in Sections 2.2 and 2.3 of this report, and in the ‘Technical Evaluation to Accompany an Application for a Wildlife Act Authority’ (“TEWA”) provided as **Appendix 11** of this report;

- > *Must, if the authorised person has applied under section 39 for a determination under section 23 or 24, include a copy of the notice under section 39(4), and steps taken to secure the agreement referred to in section 5(1)(a) for determination under section 23.*¹⁴

No determination under section 23 or 24 of the FTA is required;

- > *Must state whether the application relates to a priority project and, if so, include confirmation that, to the best of the applicant’s knowledge, there are no competing applications.*¹⁵

The Project is not a ‘priority’ project;

- > *Must be made by the deadline specified in the notice under section 28(3)(d).*¹⁶

The Project does not have a specified deadline;

- > *Must not lodge a substantive application unless any fee, charge, or levy payable under regulations in respect of the application is paid.*¹⁷

¹¹ Section 43(1)(d) of the FTA.

¹² Section 43(1)(e)(i) of the FTA.

¹³ Section 43(1)(e)(ii) of the FTA.

¹⁴ Section 43(1)(f) and (g) of the FTA.

¹⁵ Section 43(1)(h) of the FTA.

¹⁶ Section 43(1)(i) of the FTA.

¹⁷ Section 43(1)(j) of the FTA.



POTL has paid all applicable fees and levies for the substantive application.

A listed project must contain the information listed in section 13(4)¹⁸ of the FTA. While this section of the FTA addresses the requirements for referral applications, substantive applications for listed projects must also include this information, including:

- > *A description of the project and the activities it involves.*¹⁹

Addressed in Sections 1.2, 1.3 and 4 of this report;

- > *Information to demonstrate that the project does not involve any ineligible activities.*²⁰

Addressed in Section 2.4 of this report;

- > *A description or map of the whole project area that identifies its boundaries.*²¹

Addressed in Sections 1.2 and 4 of this report;

- > *The anticipated commencement and completion dates for construction activities.*²²

Addressed in Section 4.2 of this report;

- > *A statement of whether the project is planned to proceed in stages.*²³

Addressed in Section 4.2 of this report;

- > *A description of the anticipated and known adverse effects of the project on the environment.*²⁴

Addressed in Section 6 of this report;

- > *A statement of any activities involved in the project that are prohibited activities under the RMA.*²⁵

No prohibited activities are proposed. The activity status of the proposed activities is addressed in Section 5 of this report;

¹⁸ Other than section 13(4)(b), (f)(ii) and (iii), and (g).

¹⁹ Section 13(4)(a) of the FTA.

²⁰ Section 13(4)(c) of the FTA.

²¹ Section 13(4)(d) of the FTA.

²² Section 13(4)(e) of the FTA.

²³ Section 13(4)(f) of the FTA.

²⁴ Section 13(4)(h) of the FTA.

²⁵ Section 13(4)(i) of the FTA.



- > *A list of the persons and groups POTL considers are likely to be affected by the project, details of any consultation undertaken and how this consultation has informed the project.*²⁶

Based on the Project effects described in Section 6 of this report, POTL identifies Whareroa Marae as being affected in relation to landscape values.

The parties who provided CVRs (referenced in Section 8.2.2.2 of this report) have identified themselves as affected parties to the Project.

- > *A list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements.*²⁷

Addressed in Sections 3.6.3 and 9 of this report;

- > *A description of any processes already undertaken under the Public Works Act 1981 in relation to the project.*²⁸

No processes under the Public Works Act are relied upon for the Project;²⁹

- > *A statement of any relevant principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.*³⁰

Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is not relevant to the Project;

- > *Information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area.*³¹

There is no Māori land, marae or identified wāhi tapu within the Project footprint;

- > *In relation to the Project, POTL is not seeking a determination under sections 23, 24(2) or 24(4) of the FTA;*³²

- > *A description of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work.*³³

²⁶ Section 13(4)(j) & (k) of the FTA.

²⁷ Section 13(4)(l) of the FTA.

²⁸ Section 13(4)(m) of the FTA.

²⁹ Section 13(4)(m) of the FTA.

³⁰ Section 13(4)(n) of the FTA.

³¹ Section 13(4)(o) of the FTA.

³² Section 13(4)(p), (q) and (r) of the FTA.

³³ Section 13(4)(s) of the FTA.

The Project is located primarily within the CMA. Records of title for the land adjacent to the proposed wharf extensions are provided as **Appendix 12** to this report;

- > *An outline of the types of consents, certificates, designations, concessions, and other legal authorisations (other than contractual authorisations or the proposed approvals) that the applicant considers are needed to authorise the project, including any that the applicant considers may be needed by someone other than the applicant.*³⁴

Identified in Section 5 of this report;

- > *Information as to whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under an underlying statute³⁵ and, if an application has been made, details of the application: if a decision has been made, the outcome of the decision and the reasons for it:*

These matters are addressed in Section 1.7 of this report.

- > *A description of whether and how the project would be affected by climate change and natural hazards.*³⁶

Addressed in Sections 4.6.9, 4.6.10 and 6.14 of this report;

- > *If the referral application is lodged by more than 1 person, a statement of each proposed approval to be held by each of those persons.*³⁷

Not applicable, this is not a referral application, and the application is being lodged by one applicant, POTL;

- > *A summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant (or if the referral application is lodged by more than 1 person, any of those persons) under a specified Act:*³⁸

Compliance/enforcement actions are summarised in the table below:

³⁴ Section 13(4)(t) of the FTA.

³⁵ Section 13(4)(u) of the FTA.

³⁶ Section 13(4)(v) of the FTA.

³⁷ Section 13(4)(w) of the FTA.

³⁸ Section 13(4)(x) of the FTA.

Table 5: POTL Compliance and Enforcement Track Record.

| Local Authority | Compliance/Enforcement Action & Outcome |
|-----------------------------------|--|
| Bay of Plenty Regional Council | Suspended particulate matter was discharged beyond the Port boundary in excesses of rule 17(e) of the Regional Air Plan. POTL placed greater operational controls on the cleaning of hoppers occurring on the Port boundary during periods of high wind gusts. In addition, an eight metre high dust fence has been installed along this boundary. (Abatement Notice RA19-00124, issued 19 Dec 2019). |
| Bay of Plenty Regional Council | This abatement notice was cancelled under section 325A of the Resource Management Act, following an appeal by POTL and replaced with a formal warning. The warning was in relation to a stormwater discharge from the Mount Maunganui wharves log storage area. Better housekeeping and a resource consent has shown ongoing compliance. (Abatement Notice RA18-000-55, issued 24 August 2018). |
| Bay of Plenty Regional Council | A stormwater discharge from Sulphur Point container terminal had suspended solids measured higher than the consent limit resulting in an abatement notice. Since this abatement notice POTL has increased site sweeping, more frequently cleaned the settlement pond prior to discharge and installed a turbidity gauge in the pond to automate a valve to ensure discharge from the pond only occurs when consent conditions are met. (Abatement Notice RA17-00068, issued 28 August 2017). |
| Bay of Plenty Regional Council | Stormwater mixed with hydraulic oil leaked from a leased site within the Sulphur Point container terminal discharged to the harbour resulting in an abatement notice. Since this abatement notice POTL has worked with third party operators for better spill response measures and installed valves on stormwater discharge pipes. (Abatement Notice RA18-00037, issued 18 June 2018). |
| Bay of Plenty Regional Council | This abatement notice was cancelled on the 22 March 2018 when the matters that led to the notice being issued relating to the discharge of bulk cargo by a third party operator on POTL land were addressed. Namely the practice of discharging cargo direct to the wharf deck ceasing. (Abatement Notice RA17-00063, issued 14 August 2017). |

> *If the proposed approvals include resource consent, the information specified in clause 2 of Schedule 5 – an assessment of the Project against any relevant national policy*

*statements, any relevant national environmental standards, and confirmation whether there are any existing resource consents for the same activity.*³⁹

An assessment of the Project against the applicable provisions of national policy statements and national environmental standards is contained in Section 10.6 of this report.

Whether there are any existing resource consents for activities for the same activity is addressed in Section 3.5 of this report. It is noted that if consent is granted for this Project, POTL proposes to surrender resource consent no. 62920 (see Section 3.5 of this report).

Section 44 of the FTA requires that the information required by section 43 of the FTA must be sufficiently detailed to satisfy the purpose for which it is required. This requirement is met by the comprehensive information provided in this report and the supporting appendices.

2.2 APPROVALS RELATING TO THE RESOURCE MANAGEMENT ACT 1991

Section 42(4)(a) of the FTA facilitates applications for resource consents that would otherwise be applied for under the RMA. The FTA:

- > Provides that resource consents granted under the FTA are equivalent in force and effect to those granted under the RMA (see FTA Schedule 5, clause 31); and
- > Requires a substantive application for a resource consent to include similar information and assessment material to that which must accompany a resource consent application made under the RMA.

2.2.1 Information Required in a Consent Application

Schedule 5, clause 5 of the FTA sets out the information requirements for resource consent applications relating to approvals under the RMA:

- > *A description of the proposed activity.*⁴⁰

Addressed in Sections 1.3 and 4 of the report;

- > *A description and map of the site at which the activity is to occur, including whether the site is within or adjacent to—*

³⁹ Section 13(4)(y)(i) of the FTA.

⁴⁰ Schedule 5, clause 5(1)(a) of the FTA.



- > *A statutory area (as defined in the relevant Treaty Settlement Act)* ⁴¹; or

Addressed in Sections 3.6.3 and 9 of this report

- > *Ngā rohe moana o ngā hapū o Ngāti Porou.* ⁴²

Not relevant;

- > *A protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011.* ⁴³

Not relevant - no customary rights that apply to the Project footprint;

- > *The full name and address of each owner of the site and of land adjacent to the site.* ⁴⁴

POTL is the owner and occupier of the land adjacent to the Project footprint. Maps and records of title identifying the adjacent land, and POTL as the owner, are provided in **Appendix 12**. It is noted that POTL is also the occupier of the land;

- > *A description of any other activities that are part of the proposal to which the consent application relates.* ⁴⁵

POTL is applying for all necessary consents relevant to the Project, the consents being applied for are addressed in Section 5 of this report;

- > *A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the project to which the consent application relates.* ⁴⁶

Addressed in Section 4.6.9 of this report in relation to stormwater outfalls;

- > *An assessment of the activity against sections 5, 6, and 7 of the RMA.* ⁴⁷

Addressed in Sections 10.4.1, 10.4.2 and 10.4.3 of this report;

⁴¹ Schedule 5, clause 5(1)(b)(i) of the FTA.

⁴² Schedule 5, clause 5(1)(b)(ii) of the FTA.

⁴³ Schedule 5, clause 5(1)(b)(iii) of the FTA.

⁴⁴ Schedule 5, clause 5(1)(d)(i) of the FTA.

⁴⁵ Schedule 5, clause 5(1)(e) of the FTA.

⁴⁶ Schedule 5, clause 5(1)(f) of the FTA.

⁴⁷ Schedule 5, clause 5(1)(g) of the FTA.



- > *An assessment of the activity against any relevant provisions in any of the reports listed in subclause (2).⁴⁸*

Addressed in Section 10.6 of this report;

- > *Information about any Treaty settlements that apply in the area covered by the consent application, including:⁴⁹ identification of the relevant provisions in those Treaty settlements.*

Addressed in Section 9 of this report;

- > *A summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area.*

Addressed in Section 9 of this report;

- > *A list of any relevant customary marine title groups, protected customary rights groups, ngā hapū o Ngāti Porou (where an application is within, adjacent to or directly affecting ngā rohe moana o ngā hapū o Ngāti Porou), or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011.⁵⁰*

Addressed in Section 8.2 of this report;

- > *The conditions that the applicant proposes for the resource consent.⁵¹*

Summarised in Section 7 of this report and attached as the proposed consent conditions (**Appendix 5 and 5a**);

- > *If a notice under section 30(3)(b) or (5) has been received a copy of that notice showing that it was received within the time frame specified in section 30(6)(b).⁵²*

Addressed in **Appendix 9 (BOPRC s30 Letter) and 10 (TCC s30 Letter)**;

- > *A consent application must include an assessment of the activity's effects on the environment that— Includes the information required by clause 6.⁵³*

Addressed in Sections 6, 7 and 8 of this report; and

⁴⁸ Schedule 5, clause 5(1)(h) of the FTA

⁴⁹ Schedule 5, clause 5(1)(i) of the FTA

⁵⁰ Schedule 5, clause 5(1)(j) of the FTA

⁵¹ Schedule 5, clause 5(1)(k) of the FTA

⁵² Schedule 5, clause 5(1)(l)(i) of the FTA

⁵³ Schedule 5, clause 5(4)(a) of the FTA



- > *Covers the matters specified in clause 7.*⁵⁴

Addressed in Sections 4 and 6 of this report;

- > *A description of any permitted activities and their compliance with relevant requirements under section 87A(1) of the Resource Management Act 1991.*⁵⁵

Addressed in Sections 5.1.3.1 and 5.1.4.1 of this report;

- > *If the activity is to occur in an area that is within the scope of a planning report prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that report.*⁵⁶

Not relevant – there are no protected customary marine rights or titles over the Project area or / and the Project is not within the scope of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019; and

- > *If the activity is to occur in an area that is a taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996, an assessment of the effects of the activity on the use or management of the area.*⁵⁷

Not applicable.

2.2.2 Information Required to Assess Environmental Effects

Schedule 5, section 6 of the FTA sets out the information required to assess environmental effects:

- > *An assessment of the actual or potential effects on the environment.*⁵⁸

Addressed in Sections 6 and 7 of this report;

⁵⁴ Schedule 5, clause 5(4)(b) of the FTA.

⁵⁵ Schedule 5, clause 5(5)(a) of the FTA.

⁵⁶ Schedule 5, clause 5(5)(b) of the FTA.

⁵⁷ Schedule 5, clause 5(5)(c) of the FTA.

⁵⁸ Schedule 5, clause 6(1)(a) of the FTA.



- > *If the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use.*⁵⁹

No hazardous installations are proposed;

- > *If the activity includes the discharge of any contaminant, a description of—*

*The nature of the discharge and the sensitivity of the receiving environment to adverse effects.*⁶⁰

Addressed in Sections 3.8, 4 and 6.9 of this report; and

- > *Any possible alternative methods of discharge, including discharge into any other receiving environment.*⁶¹

Not relevant as Project-related discharges are related to construction, reclamation and dredging activities all of which are temporary in nature and locationally constrained to the CMA;

- > *A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity.*⁶²

Addressed throughout Sections 6 and 7 of this report;

- > *Identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal.*⁶³

Refer to Section 8 of this report and the appendices referred within;

- > *If iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision*⁶⁴

Refer to Section 8.2 and the Cultural Consultation Report (**Appendix 18**);

⁵⁹ Schedule 5, clause 6(1)(b) of the FTA.

⁶⁰ Schedule 5, clause 6(1)(c)(i) of the FTA.

⁶¹ Schedule 5, clause 6(1)(c)(ii) of the FTA.

⁶² Schedule 5, clause 6(1)(d) of the FTA.

⁶³ Schedule 5, clause 6(1)(e) of the FTA.

⁶⁴ Schedule 5, clause 6(1)(f) of the FTA.



- > *If the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved.*⁶⁵

Addressed in Section 7 of this report:

- > *An assessment of any effects of the activity on the exercise of a protected customary right.*⁶⁶

There are no protected customary rights within the Project footprint.

2.2.3 Matters to be Covered in Assessment of Environmental Effects

Schedule 5, clause 7 of the FTA sets out matters to be covered in assessment of environmental effects as follows:

- > *Any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects.*⁶⁷

Addressed in Sections 6.3, 6.4, 6.5, 6.13 and 6.14 of this report;

- > *Any physical effect on the locality, including landscape and visual effects.*⁶⁸

Addressed in Section 6.11 of this report;

- > *Any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity.*⁶⁹

Addressed in Sections 6.4, 6.6, 6.7 and 6.8 of this report;

- > *Any effect on natural and physical resources that have aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations.*⁷⁰

Addressed in Sections 6.4, 6.6, 6.7, 6.8 and 6.11 of this report;

⁶⁵ Schedule 5, clause 6(1)(g) of the FTA.

⁶⁶ Schedule 5, clause 6(1)(h) of the FTA.

⁶⁷ Schedule 5, clause 7(a) of the FTA.

⁶⁸ Schedule 5, clause 7(b) of the FTA.

⁶⁹ Schedule 5, clause 7(c) of the FTA.

⁷⁰ Schedule 5, clause 7(d) of the FTA.



- > *Any discharge of contaminants into the environment and options for the treatment and disposal of contaminants.*⁷¹

Addressed in Sections 4.4, 4.5 and 6.9 of this report;

- > *Any unreasonable emission of noise.*⁷²

Addressed in Section 6.12 of this report;

- > *Any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.*⁷³

Addressed in Section 6.14 of this report.

Clause 8 to Schedule 5 of the FTA requires that:

- > *a consent application for a reclamation must include information to show the area to be reclaimed including the following:*

(a) the location of the area to be reclaimed:

(b) if practicable, the position of all new boundaries:

(c) any part of the reclaimed area to be set aside as an esplanade reserve or esplanade strip.

The locations of the areas to be reclaimed are shown on drawing no. 320-64-1 Rev A, included at Appendix 29 to this substantive application. It is not practicable to show the position for all new boundaries. No esplanade strips are proposed.

Sections 10.9 and 10.12 of this report discuss these matters further, noting the reasons why an esplanade strip is inappropriate and that a plan of survey of the reclamation must be submitted to the consent authority for approval, pursuant to section 245 of the RMA, once the reclamations are completed.

2.3 APPROVALS RELATING TO THE WILDLIFE ACT 1953

The FTA facilitates the grant of approvals under the Wildlife Act. Schedule 7, clause 7 of the FTA confirms that wildlife approvals granted under the FTA are equivalent in force and effect to those consents granted under the Wildlife Act.

⁷¹ Schedule 5, clause 7(e) of the FTA.

⁷² Schedule 5, clause 7(f) of the FTA.

⁷³ Schedule 5, clause 7(g) of the FTA.



Inter alia, the FTA requires that applications for approval under the Wildlife Act must assess the activity and its impacts against the purpose of the Wildlife Act and confirm if the applicant, or other persons involved with the application, have convictions or pending charges under the Wildlife Act.

The Project is assessed against the relevant matters in Section 11 of this report.

2.4 INELIGIBLE ACTIVITIES

Section 5 of the FTA addresses ineligible activities which cannot be authorised under the FTA. In this respect, the Project:

- > Is not located on identified Māori land;⁷⁴
- > Is not located in a customary marine title area;⁷⁵
- > Is not located in a protected customary rights area;⁷⁶
- > Is not located on Māori customary land or land set apart as a Māori reservation;⁷⁷
- > Is not an aquaculture activity or an activity that is incompatible with aquaculture activities;⁷⁸
- > Does not include the need for an access arrangement under section 61 of the Crown Minerals Act 1991;⁷⁹
- > Will not be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the RMA;⁸⁰
- > Is not located on land held, managed and administered under the Conservation Act 1987;⁸¹ and
- > Is not located within a national reserve⁸², or land held under the Reserves Act 1977;⁸³

⁷⁴ Section 5 (1)(a) of the FTA.

⁷⁵ Section 5 (1)(b) of the FTA.

⁷⁶ Section 5 (1)(c) of the FTA.

⁷⁷ Section 5 (1)(d) of the FTA.

⁷⁸ Section 5 (1)(e) of the FTA.

⁷⁹ Section 5 (1)(f) of the FTA.

⁸⁰ Section 5(1)(g) of the FTA.

⁸¹ Section 5 (1)(h) of the FTA.

⁸² Section 5 (1)(i) of the FTA.

⁸³ Section 5 (1)(j) & (k) of the FTA.



- > Is not a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or prohibited activity under the RMA;⁸⁴
- > Is not a decommissioning-related activity described in section 38(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012;⁸⁵
- > Is not for the purposes of an offshore renewable energy project;⁸⁶

This substantive application is, therefore, not for an ineligible activity.

⁸⁴ Section 5(1)(l) of the FTA.

⁸⁵ Section 5(1)(m) of the FTA.

⁸⁶ Section 5(1)(n) of the FTA.



3. EXISTING ENVIRONMENT

This section describes relevant environmental features and the environment as it relates to the wider Project area. It also summarises relevant resource consents held by POTL.

3.1 PROJECT SITE

The focus of the Project is on the Sulphur Point wharves, Mount Maunganui wharves and Stella Passage located within Te Awanui/Tauranga Harbour, shown in Figure 16 above, and Figure 17 below.



Figure 17: Project location.



As shown in Figure 17 and Figure 2 above, the Port is located in the southern half of Te Awanui/Tauranga Harbour.

The Port's shipping channel is maintained between the Te Awanui/Tauranga Harbour entrance and the wharves. The shipping channel is split into four sections, from north to south, the Harbour Entrance, Cutter Channel, Maunganui Roads and Stella Passage.

Primarily, the Project will be undertaken in the CMA. The proposed cranes will extend marginally beyond the CMA. The cranes are not fixed plant and can traverse the wharves. This includes moving landward beyond MHWS and thereby operating outside the CMA. The proposed cranes will be additional to the series of existing, similar cranes present on the Sulphur Point wharves.

3.2 SULPHUR POINT

Sulphur Point is a large reclamation formed from 1969 onwards on the historical intertidal flats of Te Awanui/Tauranga Harbour. POTL owns and occupies some 75 ha of the peninsula created by the historic reclamation.

Among other things, Sulphur Point features approximately 38 ha of paved container yard storage, 25,000m² of covered storage, a 9,000 tonne cold store, 2,650 fixed reefer points for refrigerated containers (the largest reefer capacity in the southern hemisphere) and 770 m of wharf on the eastern boundary with Stella Passage. The wharves were last extended in 2013.



Figure 18: Sulphur Point viewed north.

POTL currently operates eight ship-to-shore container cranes and 52 straddle carriers to load shipping containers on and off vessels berthed alongside. The container cranes currently reach a maximum height of 106 m above mean sea level. However, in conjunction with the Tauranga Airport a Determination has been obtained by the Civil Aviation Authority for the development of cranes up to 110 m above mean sea level.



Figure 19: Existing container cranes at Sulphur Point.

Land to the south of the Sulphur Point wharves, referred to as the “sand pile” is undeveloped and has been used historically to store material won from maintenance dredging of the shipping channel. The dredged sand is used to replenish local beaches (e.g. Waikorire/Pilot Bay) as required.

The sand pile is now used by various bird species, including internationally significant numbers of migratory eastern bar-tailed godwits. As such, the sand pile is left undisturbed when birds are in residence (which is for most of the year).



Figure 20: Sand pile.

3.3 MOUNT MAUNGANUI

On the east side of Stella Passage, opposite Sulphur Point, POTL owns and occupies some 90 ha associated with the Mount Maunganui wharves and port facilities.

The Mount Maunganui wharves provide approximately 2,060 m of wharf with five bunker points to allow ships to refuel while un/loading. These wharves mainly cater for log storage and handling, bulk cargo handling, breakbulk cargo handling and cruise ships.

The relatively narrow marshalling land behind the wharves has led to a defined separation of activities along the wharves. The northern half of the wharves are largely dedicated to handling product requiring dry storage, because the land behind the wharves has a mix of cool store, flour mill and large general stores.

The southern half of the wharves are backed up by log storage. Approximately 55% of the logs exported through the Port are transported via rail to the log marshalling area. The rail siding is situated through the middle of the log yards and provides an efficient means of transporting logs from forest to port.



Figure 21: Rail siding, Mount Maunganui wharves.



Figure 22: Cargo handling, Mount Maunganui wharves.

The southernmost wharf at Mount Maunganui is the tanker berth (below). This facility is dedicated to transferring dangerous goods in bulk, including the discharging and/or loading of tankers carrying bulk fluids such as hydrocarbon oil products, chemicals and edible oils. The tanker berth is a free-standing wharf 80 m long, with mooring dolphins at each end allowing for ships of up to 250 m length to berth and pump fluid cargo ashore.



Figure 23: Tanker berth.

South of the tanker berth is Butters Landing, a small reclamation on the corner of State Highway 2 north of the Whareroa Bridge. Butters Landing provides a ramp for the Matakana Island ferry to un/load, outdoor storage facilities and moorings for small Port vessels.

Berths 4 – 6 at the Mount Maunganui wharves are at the end of their economic life, have compromised productivity and require replacement. POTL holds a resource consent authorising the works to replace these wharves. However, dismantling the old berths for replacement in the absence of the additional wharf capacity sought by this application would present an undesirable, prolonged (approximately two years per berth) constraint on the productivity of the Mount Maunganui wharves.

3.4 STELLA PASSAGE

Stella Passage is the harbour reach that forms the shipping channel between Sulphur Point and Mount Maunganui. To the south, Stella Passage adjoins the Town Reach which extends under the Te Awanui/Tauranga Harbour bridge. The “Maunganui Roads” section of the shipping channel adjoins the north end of Stella Passage.

Stella Passage ranges from approximately 510 m to 580 m wide. The depth of the shipping channel varies from approximately 4 m deep in the southern area adjacent to the Town



Reach, down to approximately 14.5 m below CD in the part of the channel that has previously been dredged to enable vessel access to the existing wharves.



Figure 24: View north over Stella Passage.

3.5 EXISTING RESOURCE CONSENTS

POTL holds regional resource consents authorising Port activities associated with the maintenance and operation of the Port, and occupation of the CMA, as discussed below.

3.5.1 Resource consent 04-0128: coastal occupation

The proposed wharves and associated structures are within POTL's exclusive coastal occupation area around the margins of Stella Passage, authorised by resource consent number 04-0128.

The consented area of occupation is shown in the Outline Development Plan at Schedule 9 to the RCEP and is also shown on the Regional Council's Geographic Information System ("GIS") maps. An extract from those GIS maps is below for reference.

This consent expires on 30 September 2026. A new resource consent will be required to authorise POTL's occupation of this area thereafter.



Figure 25: POTL's consented area of coastal occupation (shaded).

3.5.2 Resource consent 62920: capital dredging

Resource consent number 62920 authorises the dredging of 800,000 m³ of sediment from 5.9 ha of the Stella Passage seabed to a maximum depth of 12.9 m CD, and the related disturbance of the seabed, disturbance of and damage to seabed habitat and deposition of sediment from dredging.



An extract from the endorsed plan showing the area authorised for dredging is provided below. It is followed by a plan comparing the area of dredging authorised by this consent to the area that this Project proposes to dredge.

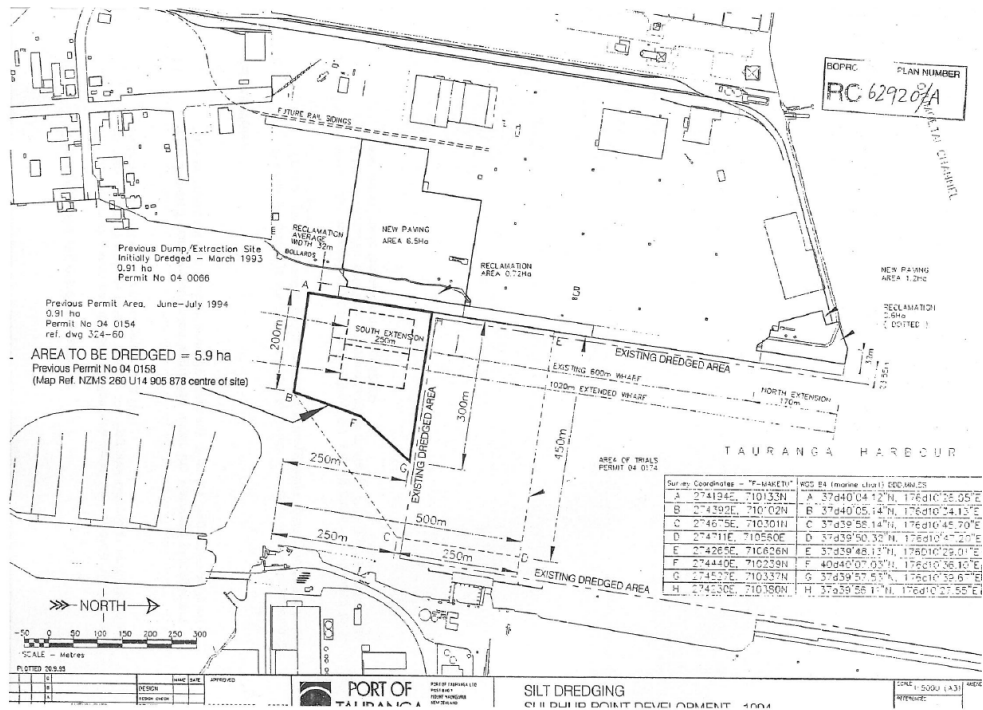


Figure 26: Resource consent 62920 consented dredging footprint.

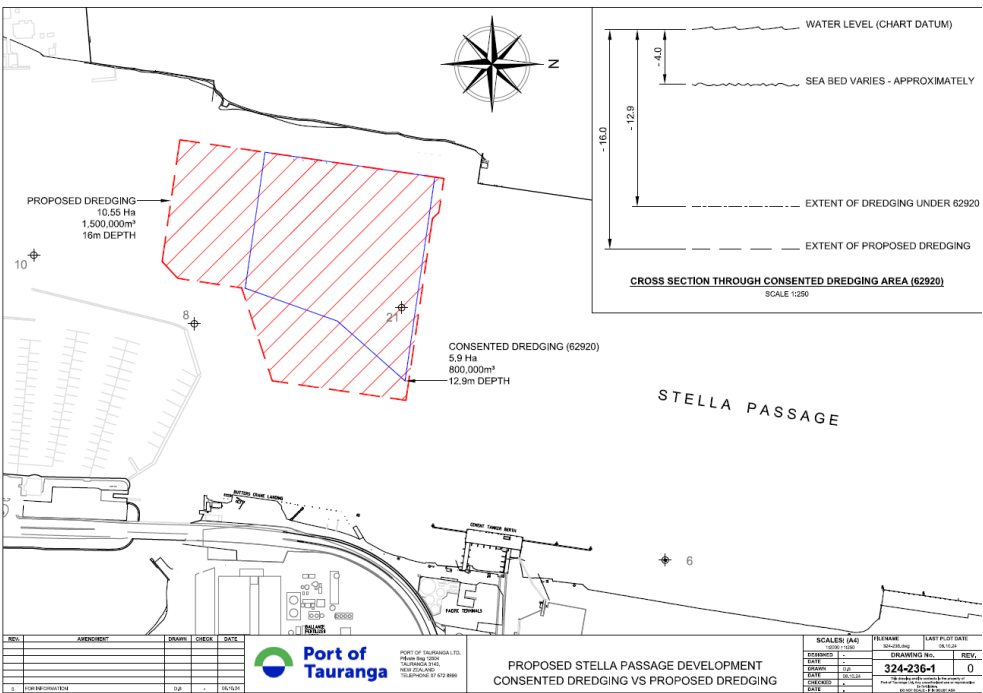


Figure 27: Resource consent 62920 dredging footprint vs. Project footprint.



This consent expires on 31 January 2026. The long lead times required to mobilise a dredging campaign mean the authorised dredging cannot be completed by the time the consent expires. Therefore, this application seeks a new consent for that previously authorised dredging, alongside the additional 700,000 m³ of dredging required to operationalise the proposed wharf extensions.

If this Project is consented, POTL would surrender consent number 62920.

3.5.3 Resource consent 65806: dredging and deposition

Resource consent number 65806 was granted in 2013 and expires on 6 June 2027. It authorises 15 Mm³ of capital dredging and the associated seabed disturbance throughout the shipping channel including the north end of Stella Passage. It also authorises maintenance dredging of no more than 185,000 m³/year averaged over a rolling 5-year term. This consent furthermore authorises the deposition of the dredged material at defined beach renourishment and spoil disposal sites at Pilot Bay and offshore of Mount Maunganui.

Figure 28 below shows the spatial relationship of the Project’s dredging footprint relative to the area authorised for dredging under this resource consent and its companion consent number 65807 (discussed in Section 3.5.4 of this report).

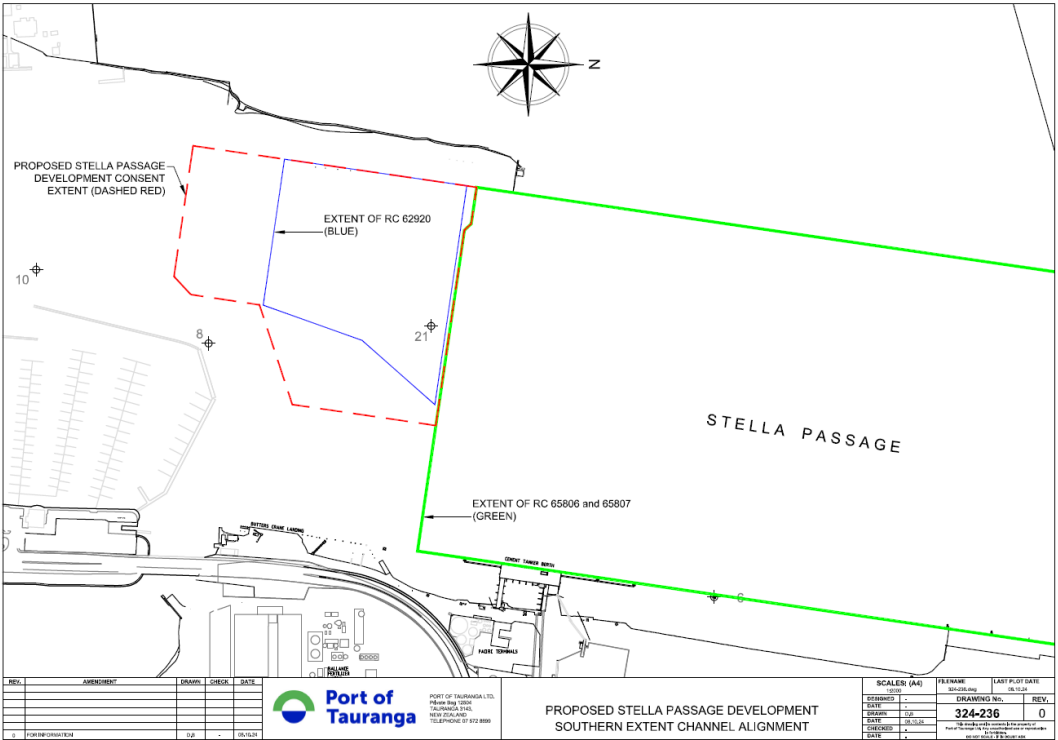


Figure 28: The Project relative to dredging authorised by consents 62920 and 65806.

Plans endorsed under consent 65806 are below for reference.

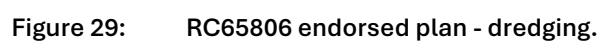


Figure 29 above shows the location of the 15 Mm³ of dredging that was authorised by consent number 65806.

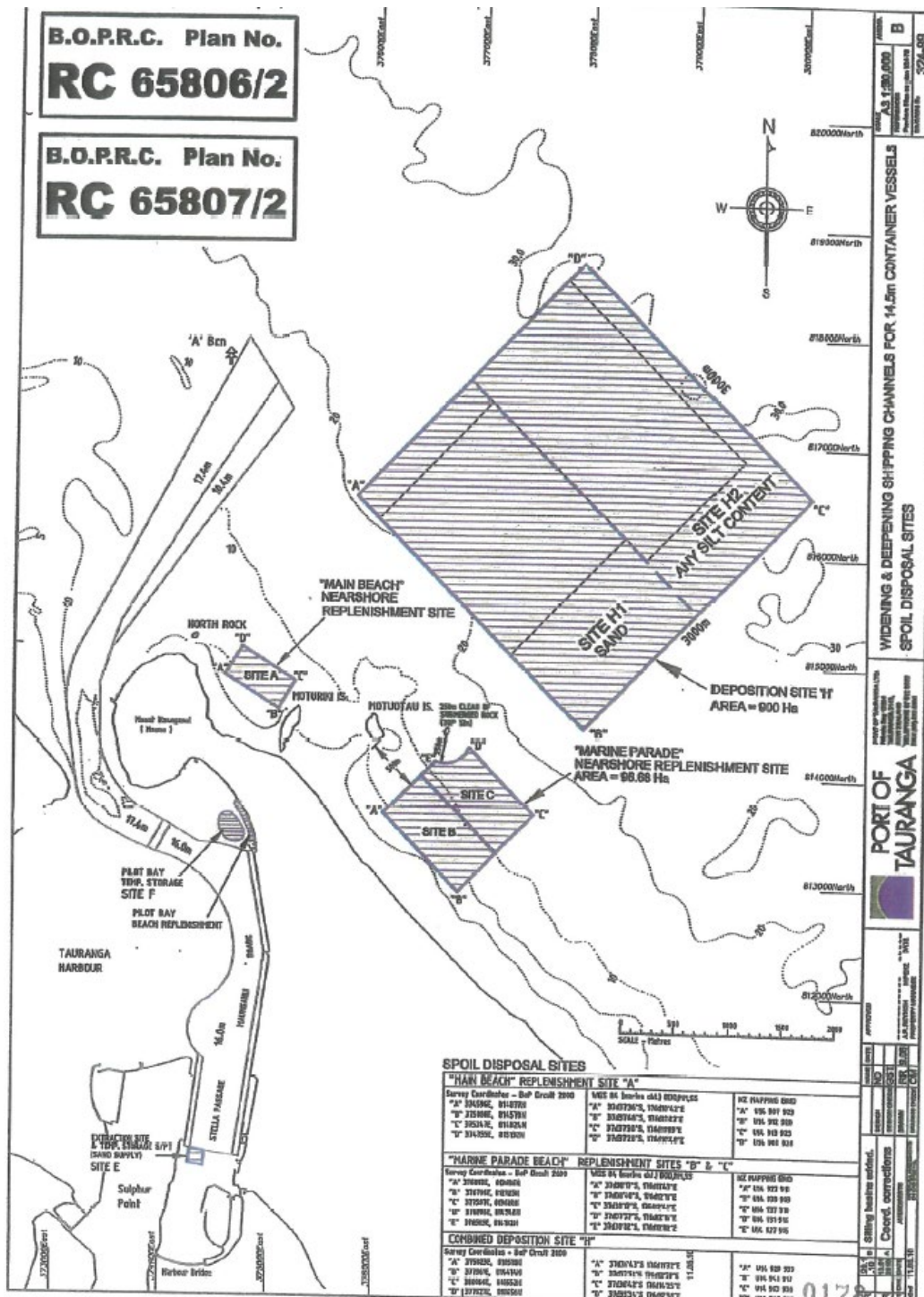


Figure 30: RC65806 endorsed plan - deposition.

Figure 30 above shows the locations of the beach renourishment and spoil disposal sites authorised by consent 65806.



This application does not seek a resource consent for the deposition of material from the proposed dredging. POTL confirms there is adequate capacity remaining within the 15 Mm³ of dredging authorised by consent 65806 to absorb the dredgings generated by this Project.

To avoid any doubt, POTL applied for, and in August 2021 the Regional Council granted, a variation to this consent and to consent 65807. The variation to these consents inserted a new condition numbered as 1.2 into each approval, confirming that the deposition of dredged material includes material yielded by all authorised dredging activities in the Port Zone, and is not limited to the dredging authorised by these particular consents.

This consent expires in 2027. POTL will apply for a new consent to maintain its ability to dredge the shipping channel and dispose of the dredgings to the CMA. That work is also a listed project in Schedule 2 of the FTA, identified as the “Capital and Maintenance Dredging Reconsenting” project.

3.5.4 Resource consent 65807: discharges and deposition ancillary to dredging

Resource consent number 65807 is the companion consent to 65806. It authorises POTL to discharge sediment to the Te Awanui/Tauranga Harbour during dredging, to take water during dredging and to undertake beach renourishment, and sets conditions relating to these activities. As this consent is related to consent 65806, it also expires on 6 June 2027.

As mentioned above in relation to consent 65806, this consent was varied in August 2021 to ensure the discharges, water takes and deposition activities associated with the Stella Passage Development are expressly provided for and do not require a separate consent.

In addition, and similarly to consent 65806, POTL will seek to renew this consent by way of separate application under the FTA for the listed “Capital Maintenance Dredging Reconsenting” project.

3.5.5 Existing Consent Summary

The table below summarises the aforementioned resource consents.

Table 6: Existing Resource Consents.

| Consent number | Activity | Expiry date |
|-----------------------|---|--------------------|
| 04 0128 | Coastal permit for occupation of the CMA | 30 September 2026 |
| 62920 | Dredging of 800,000 m ³ to a maximum depth of 12.9 m below chart datum within Stella Passage | 31 January 2026 |



| Consent number | Activity | Expiry date |
|----------------|---|-------------|
| 65806 | Capital dredging of 15 Mm ³ for channel deepening and widening within Tauranga Entrance, Tanea Shelf, Cutter Channel, Maunganui Roads and Stella Passage. Maintenance dredging of up to 185,000 m ³ per year, averaged over a rolling 5 year period. | 6 June 2027 |
| 65807 | Discharges of sediment, beach renourishment and the taking of water associated with dredging. | 6 June 2027 |

3.6 STATUTORY PLANNING FRAMEWORK

3.6.1 Bay of Plenty Regional Coastal Environment Plan 2013

The RCEP locates the site in the Port Zone as shown in Figure 31 below and is identified as an area of anticipated future development specified in Schedule 9 (Outline Development Plan for the Port of Tauranga 2013) shown in subsequent figures. While the wider Port area is adjacent to an Area of Significant Cultural Value (“**ASCV-4A**”) and an Outstanding Natural Features Landscape (“**ONFL3**”), the Project footprint is separated by some distance from these overlays (Figure 35).



Figure 31: RCEP Port Zone at the site.

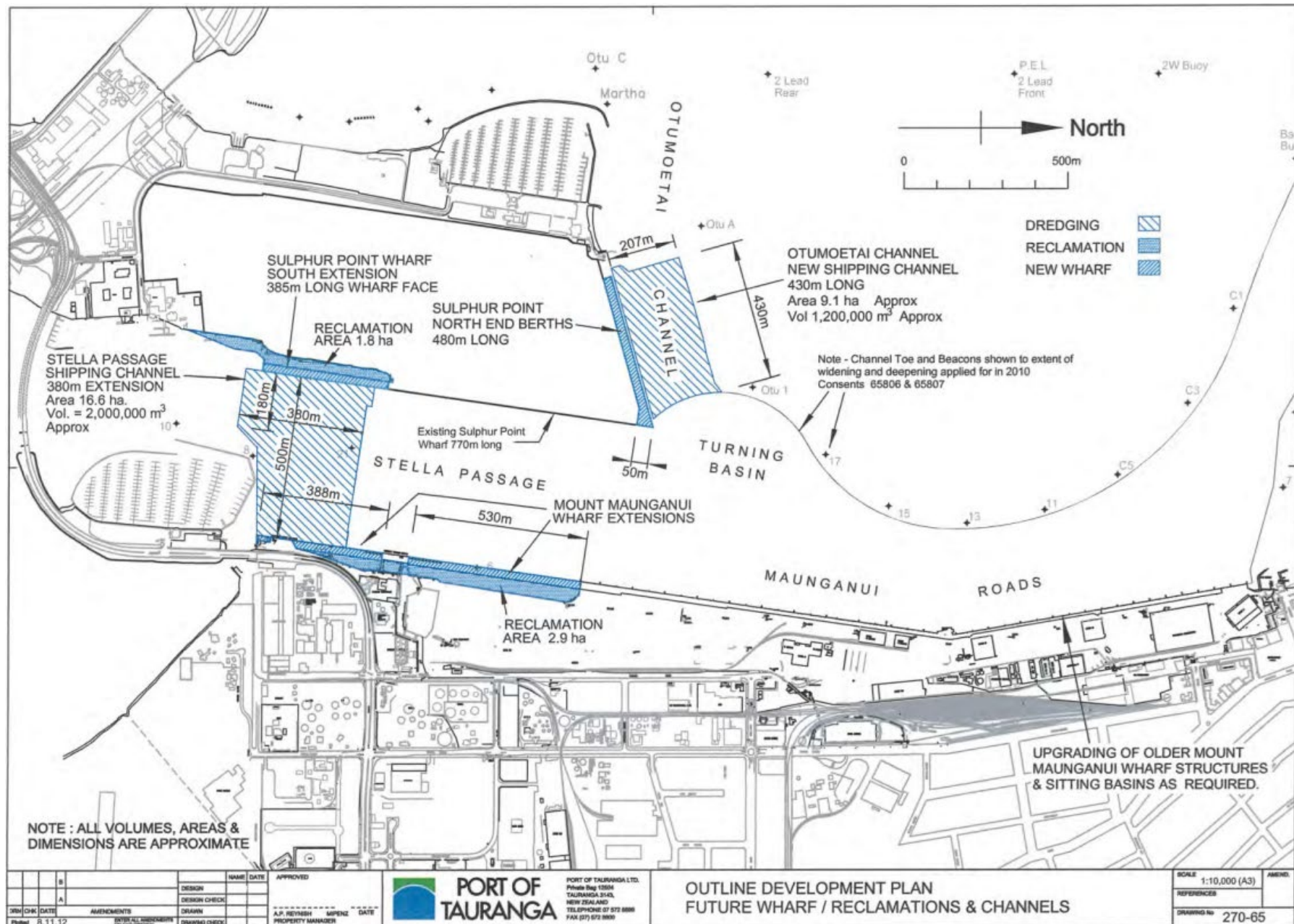


Figure 32: Outline Development Plan 270-65 – future wharf extensions, reclamation and dredging.



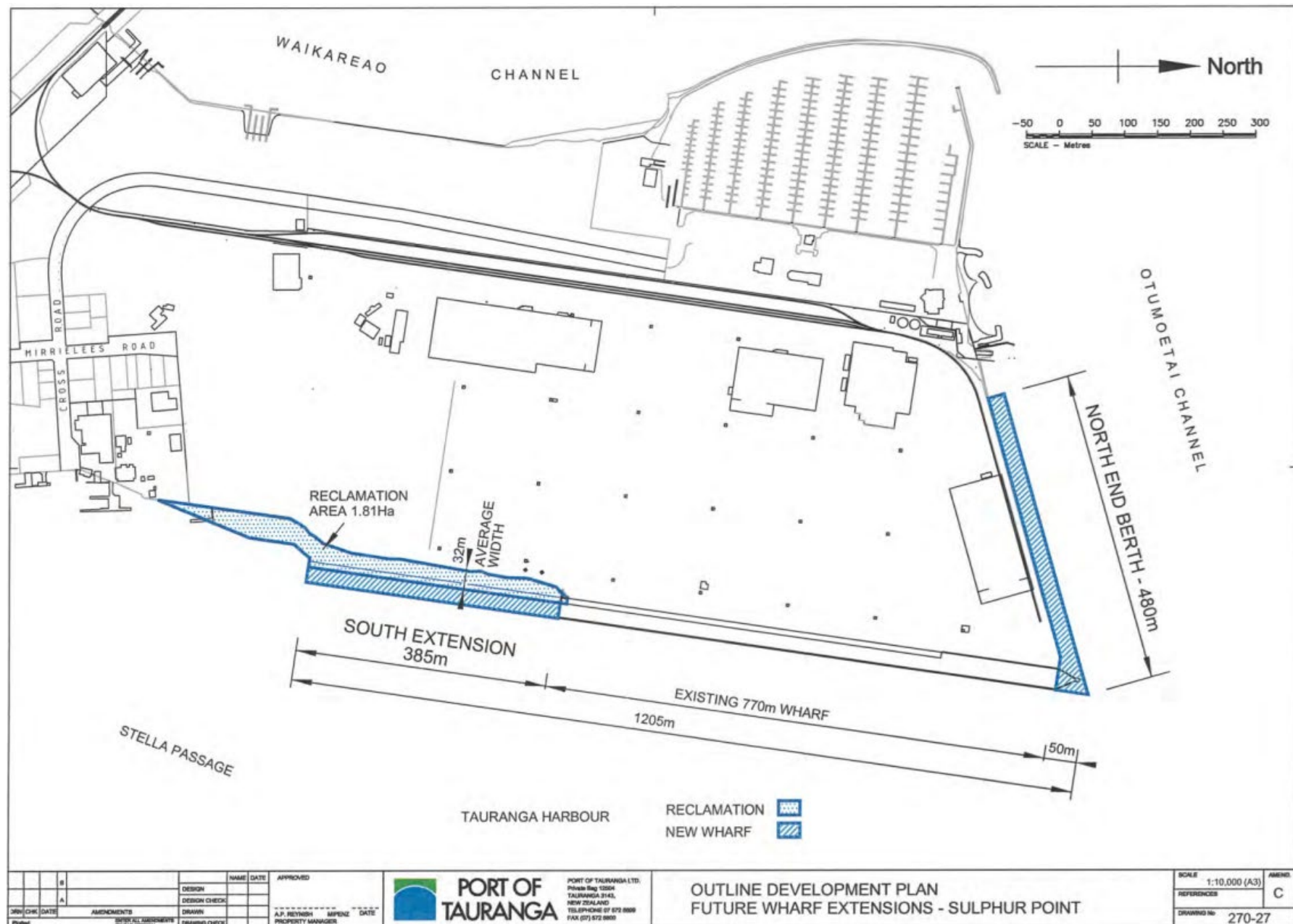


Figure 33: Outline Development Plan 270-27 - future Sulphur Point wharf extensions.



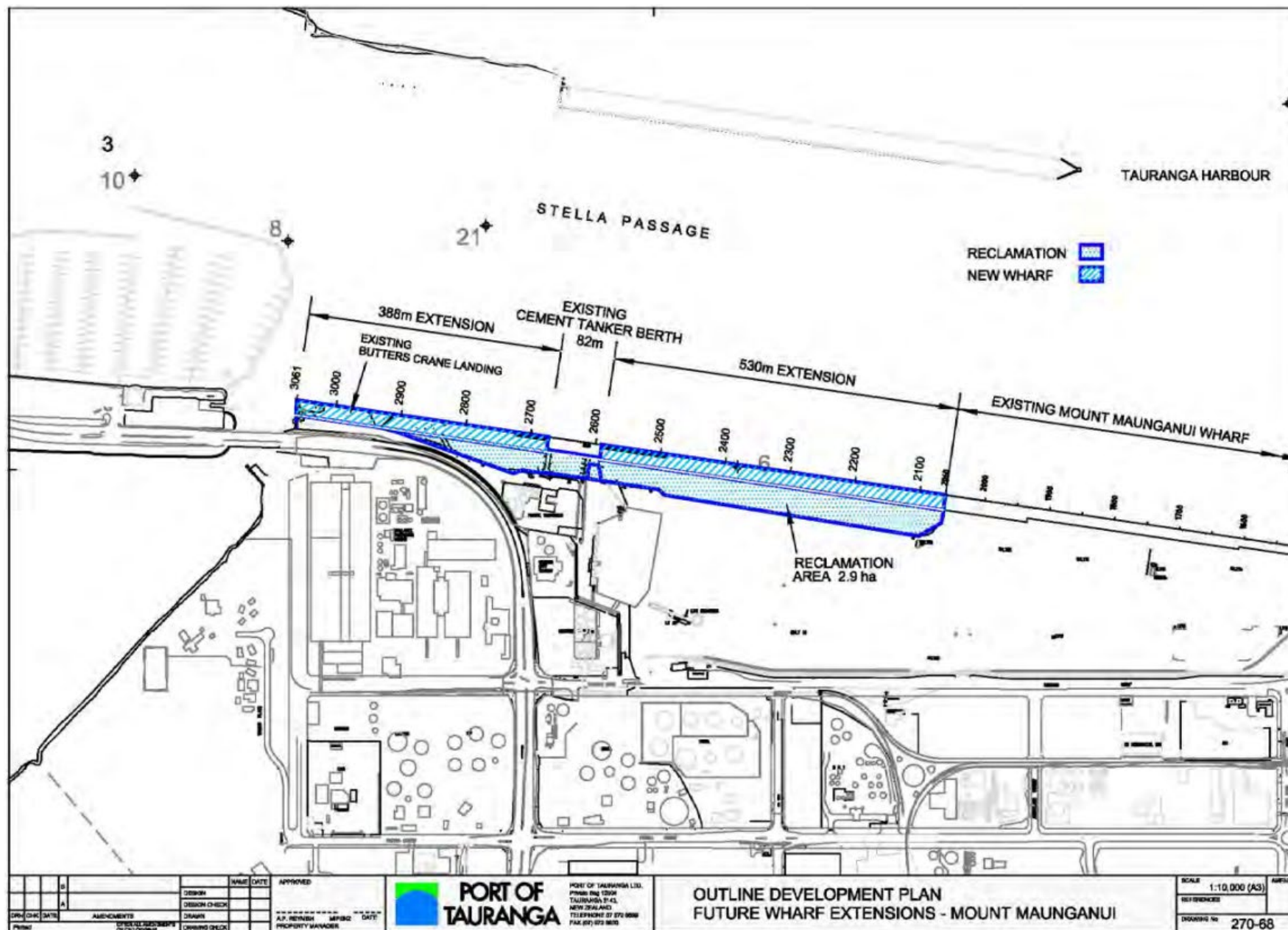


Figure 34: Outline Development Plan 270-68 - future Mount Maunganui wharf extensions.





Figure 35: ASCV-4A and ONFL3 controls.

3.6.2 Tauranga City Plan

The TCP regulates land use and development in the district. The TCP does not apply to the CMA, i.e., below MHWS. It therefore does not apply to the activities proposed in the CMA.

However, the proposed cranes, which are moveable by rail, move forward and back across the wharves, transiting space between the CMA (on the wharves) and the landward environment where the TCP applies.



Under the TCP, the elements of POTL's existing operations are in the Port Industry Zone, as shown in Figure 36 below.

Following the completion of the proposed reclamations, the boundary between reclaimed area and the CMA will be amended to follow the new line of MHWS. The reclaimed land ceases to be CMA and will be within the City Council's jurisdiction and be subject to regulation under the District Plan. The adjacent to the reclamation is in the TCP Port Industry Zone (as shown in Figure 36 below). POTL proposes that the Port Industry Zone would apply to the reclaimed land.



Figure 36: Tauranga City Plan – Port Industry Zone.

3.6.3 Statutory Acknowledgement Area

No statutory acknowledgments are located over the Project footprint or the wider Te Awanui/Tauranga Harbour.

Notwithstanding, POTL recognise that the Deeds of Settlement for Ngati Pūkenga, Ngāti Ranginui, Ngāi Te Rangi and Ngā Pōtiki highlight key areas of cultural interest, these include:

- > Waipu Bay (located outside of the construction footprint) is identified as an area with particular cultural, spiritual, historical, and traditional association for Ngati Pūkenga and
- > the entire area of Te Awanui/Tauranga Harbour, which includes the construction footprint is identified as a coastal area of interest for Ngāti Ranginui, Ngāi Te Rangi and Ngā Pōtiki.

The cultural setting of Te Awanui/Tauranga Harbour is discussed further in Section 3.16 below.

3.7 GEOLOGY, GEOMORPHOLOGY AND HYDRODYNAMICS

POTL commissioned an assessment of the Project's potential effects on hydrodynamics and sedimentation from Dr Willem de Lange provided as **Appendix 13** to this report. That assessment describes the geology, hydrodynamic and sediment characteristics of Te Awanui/Tauranga Harbour, including Stella Passage, as summarised below.

Stella Passage is within the Tauranga Basin which occupies a tectonic rift formed during the development of the Taupo Volcanic Zone. A shallow interfluve between Matahui Point and Matakana Point, which is submerged only at high tide, marks the boundary between the Tauranga Basin and the adjacent Katikati Basin. The shallow interfluve between the Tauranga and Katikati basins only allows water and sediment exchanges at high tide.

Underlying sediments in Te Awanui/Tauranga Harbour originate from volcanic deposits. Those deposits are overlain by deposits of reworked volcanoclastic sediment transported into the harbour from offshore. Some sediment is also supplied by fluvial transport from the surrounding catchments, and from erosion of volcanic deposits around the shoreline.

The harbour has a strong tidal influence with minimal freshwater effects, and at high tide, is deep enough for moderate wave action. This results in the export of fine sediment from the intertidal and sub-tidal areas. Fine sediment accumulation is restricted to the harbour's margins, particularly areas of locally high sediment supply, and/or very low wave activity.



Siltation in Te Awanui/Tauranga Harbour's tidal channels may occur in response to either or both of marine sediment transported into Te Awanui/Tauranga Harbour by tidal currents, and terrestrial sediment derived from freshwater catchments and shoreline erosion.

The boundary between marine-dominated and terrestrial-dominated siltation is not static. It varies with the magnitudes of tidal flows, freshwater inflows, storm surges and floods.

In the long-term, the siltation boundary moves seaward as the harbour naturally infills with sediment. The sediment source for the flood tidal delta (Te Paritaha or Centre Bank) and surrounding channels (Lower Western Channel, Otumoetai Channel, Maunganui Roads, Pilot Bay Channel, and Cutter Channel) is predominantly marine and associated with the ebb and flood tidal delta system. Stella Passage is a transition zone from marine dominated to terrestrial sediment dominated sediments. Further from the harbour's tidal inlets, sediment sources are dominated by terrestrial inputs from the surround catchments.

Dredging studies identified five primary subsurface sediment types:

1. **Holocene black fine sands:** Found in tidal deltas; poorly sorted fine sands with a high fines content, limited to specific areas.
2. **Holocene grey shelly sands:** Medium to fine sands with shell fragments, formed during the Holocene marine transgression; these sands dominate the dredged material.
3. **Pleistocene dark brown organic silts:** Representing ancient salt marsh deposits, these are found along Stella Passage's margins and are minimally impacted by dredging.
4. **Pleistocene pale-yellow pumiceous sands:** Highly variable alluvial fan sediments, with sub-units ranging from channel deposits to swamp sediments, containing organic material and iron-rich layers.
5. **Pleistocene pale grey quartz sands:** Older, weathered alluvial deposits partially overlain by marine sediments, with characteristics indicating prolonged weathering and consolidation.

Anthropogenic activities, including reclamation, dredging, and urban runoff, have altered surface sediments, introducing contaminants primarily to depths of 0.2 m – 0.5 m, though deeper disturbances occur in specific areas, such as borrow pits.

In summary, Te Awanui/Tauranga Harbour is a complex estuarine system shaped by volcanic, tectonic, marine, and anthropogenic processes. Its sediment transport and depositional patterns are highly dynamic, influenced by tidal currents, sediment supply, and human activities.

3.8 MARINE ECOLOGICAL ENVIRONMENT

Table 7 below characterises the existing marine ecological environment as set out in the Assessment of Effects on Marine Ecological Values provided as **Appendix 14** of this report.



Table 7: Marine environment overview.

| Characteristic | Marine Environment | Ecological Value |
|---|---|---|
| Physical habitat highly modified (Stella Passage). | The Stella Passage physical habitat has been “highly modified” by various activities and infrastructure, with the harbour bridge to the south, causeway to the east, marina to the southeast, Sulphur Point reclamation to the south, Mount Maunganui reclamations to the north and the dredged shipping channel within the Stella Passage. | Stella Passage: Low |
| and Physical habitat moderately modified (Southern Harbour) | The southern harbour is considered “modified” due to the existing and historic dredging, sedimentation and there being around 60 % of natural coastal edge remaining. | Southern Harbour: Moderate |
| Few invasive opportunistic and/or disturbance tolerant species present. | The Asian date mussel <i>Arcuatula senhousia</i> , the ascidians <i>Didemnum vexillum</i> and <i>Styela clava</i> , and the Mediterranean fanworm <i>Sabella spallanzanii</i> are present in the wider harbour. | Stella Passage and Southern Harbour: Moderate |
| Water column contaminant concentrations typically between Australian & New Zealand Guidelines for Fresh & Marine Water [and sediment] Quality (“ANZG”) 90% and 95% species protection levels and/or scored as ‘Fair’ on a recognised WQI. | Water quality data revealed metal/metalloid estuarine water concentrations were low and below ANZG 99% marine Default Guideline Values. The concentrations of contaminant within sediments are generally low. The risk of toxicants being entrained in the dredged sediment and leaching into the water column in concentrations above water quality guidelines is extremely low, with the effects on water quality likely to be negligible. | |
| Few Threatened ecosystems present. | Broadly, estuaries are classified as vulnerable ecosystems. | |
| Benthic soft sediment and hard shore community typically has high diversity species richness and abundance, for the habitat type. | <u>Soft Shore</u> The soft sediment marine communities are in a cyclic pattern of recovery, continually reset with (primarily) maintenance dredging. | Stella Passage and Southern Harbour: High |



| Characteristic | Marine Environment | Ecological Value |
|---|---|------------------|
| | <p>Stella Passage is reflective of a working port seabed, comprising an ecologically productive benthic community with naturally diverse indigenous native infaunal species. Surveys across 15 soft sediment benthic sites averaged a score of 2.3, which indicates high diversity.</p> <p><u>Hard Shore</u></p> <p>The wharf structures at Mount Maunganui and Sulphur Point have high marine biodiversity (including a range of anemones, barnacles, sponges, sea squirts and hydroids). All wharf pile communities are representative of a complex, healthy estuarine/harbour habitat.</p> | |
| Benthic invertebrate community contains many taxa that are sensitive to organic enrichment, contaminants and mud. | collected from Surveys in Stella Passage found an abundant and diverse community of benthic invertebrates with both sensitive and tolerant species observed. | |
| Fish community typically has high diversity, species richness and abundance. | There is a consistent and diverse fish population in Te Awanui/Tauranga Harbour, with the port area supporting significant juvenile and adult fish populations, including eagle ray, snapper, trevally, kingfish, gurnard, kahawai, parore, and spotty. | |
| Marine sediments typically comprise <40% silt and clay grain sizes. | The dominant benthic sediment grain size in Taranga Harbour is sand with some fine sediment accumulating in harbour margins in areas of high sediment supply and low wave activity, otherwise sediments generally contain <5% silt and clay. | |
| Contaminant concentrations in surface sediment rarely exceed Default Guideline Values concentrations | All metal concentrations in sediment were found to be below recommended Default Guideline Values (ANZG, 2018). | |

| Characteristic | Marine Environment | Ecological Value |
|---|---|------------------|
| Where shellfish are present, flesh has contaminant concentrations close to natural background levels or not above conservative laboratory detection limits. | Shellfish flesh (pipi) toxicant concentrations are low and well within safe consumption limits. | |
| Native estuarine vegetation or macroalgae community dominated by native species and provides high quality habitat for native fauna. | <p><u>Seaweeds</u></p> <p>The hard structures in the harbour, such as existing rocks and concrete sides, support attached species of macroalgae such as <i>Ecklonia radiata</i>, <i>Ulva lactuca</i>, <i>Ulva</i> spp, <i>Codium fragile</i>, <i>Hormosira banksii</i>, <i>Undaria pinnatifida</i>, <i>Gracilaria chilensis</i>, and <i>Gigartina</i> species.</p> <p>Macroalgae are not a dominant habitat feature in Stella Passage (but are present within adjacent rocky reef habitats). in Stella Passage primarily consists of soft sediment benthic habitat (apart from hard structures such as wharf piles). The rapid water flow does not encourage macroalgae to proliferate in the Stella Passage compared to reefs in the outer harbour.</p> <p><u>Seagrass</u></p> <p>Seagrass beds provide nursery habitat for many species, including juvenile snapper. The seagrass beds in Te Awanui/Taranga Harbour are in a healthy condition, with variations in coverage, canopy height, shoot length, leaf count, and photosynthetic health among different locations. This seagrass bed closest to the Port (south of harbour bridge and offshore from Whareroa Marae) remains in good condition despite its proximity to previous dredging campaigns.</p> | |



3.9 MARINE MAMMALS

Data relating to the presence of marine mammals in Te Awanui/Tauranga Harbour is presented in the Assessment of Effects on Marine Mammals (**Appendix 6**).

In summary, marine mammals have extensive home-ranges. Therefore, marine mammal distributional data across a broad spatial scale must be assessed to establish a baseline understanding of potential marine mammal presence in the Project area and surrounds. For this reason, an Area of Interest (“**AOI**”) was defined from Rapatiotio Point (at the north end of Waihi Beach) to Okurei Point (east of Maketu) including a 20 km buffer offshore. The table below summarises marine mammal data for Te Awanui/Tauranga Harbour. Ecological considerations of each of the identified species can be found in detail in Table 4 of the Assessment of Effects on Marine Mammals (**Appendix 6**).

Table 8: Marine mammal overview

| Species | Likelihood & Frequency | | Seasonal Trends |
|---|--|---|---|
| | Te Awanui / Tauranga Harbour | Wider AOI | |
| Bottlenose dolphin - Nationally endangered | Likely to be present on occasional basis | Likely to be present on a frequent basis | Year round but more common in winter / spring |
| Killer whales/orca - Nationally critical - Data deficient | Likely to be present on occasional basis | Likely to be present on a frequent basis | Year round but more common in winter / spring |
| New Zealand fur seals - Not threatened | Likely to be present on occasional basis | Likely to be present on a frequent basis | Year round, but more common in winter |
| Common dolphins - Not threatened | Unlikely | Likely to be present on a frequent basis | Year round, but more common inshore in summer |
| Humpback whales - Migrant - Endangered | Unlikely | Possibly present on occasional seasonal basis | Winter / spring |

| Species | Likelihood & Frequency | | Seasonal Trends |
|---|------------------------------|---|-----------------|
| | Te Awanui / Tauranga Harbour | Wider AOI | |
| Southern right whales - Recovering | Unlikely | Possibly present on sporadic seasonal basis (highly variable between years) | Winter / spring |
| Leopard seals - Naturally uncommon | Unlikely | Possible occasional presence (variable between years) | Winter / spring |
| Long-finned pilot whales - Not threatened | Unlikely | Possibly present on occasional basis | Year round |
| Gray's beaked whales - Not threatened | Unlikely | Possibly present on occasional basis | Spring / summer |
| False killer whales - Naturally uncommon | Unlikely | Possibly present on occasional basis | Unknown |
| Bryde's whales - Nationally critical | Unlikely | Possibly present on occasional basis | Summer |
| Minke whales - Near threatened (Antarctic minke), - Least concern (dwarf minke) | Unlikely | Possibly present on occasional basis | Spring |
| Blue whales - Endangered | Unlikely | Possibly present on occasional basis | Spring |
| Sei whales - Endangered | Unlikely | Possibly present on occasional basis | Winter / spring |

In summary, the AOI is used by at least 20 marine mammal species. Although some foraging, breeding, resting and migratory behaviours do occur here, this habitat has not been specifically identified as ecologically significant to any marine mammal (relative to other



habitat along the east coast of the North Island). All species that use the AOI have large home ranges, so the AOI would only represent a very small part of their overall distribution. Sighting data and acoustic monitoring data indicate that only dolphins (mostly bottlenose), killer whales and New Zealand fur seals use waters inside Te Awanui/Tauranga Harbour, albeit on an occasional basis and despite high existing levels of shipping traffic here. There are no resident populations of marine mammals in Te Awanui/Tauranga Harbour.

These findings are supported by the fact that the AOI has not been identified as part of a recognised Important Marine Mammal Area.

3.10 AVIFAUNA

Existing avifauna habitat at the site and surroundings is described in the Assessment of Effects on Birds (**Appendix 2**) and summarised below.

3.10.1 Sulphur Point Sand Pile

Wader and non-wader bird species visit the Sulphur Point sand pile as summarised below.

Table 9: Sulphur Point avifauna.

| Species | Conservation Status | Comments |
|---|------------------------------------|---|
| Waders | | |
| Kuaka/Eastern bar-tailed godwit | At Risk – Declining | Present in all survey years and in significant numbers. Breeds in the northern hemisphere summer and flies to NZ to overwinter. |
| Pohowera/Banded dotterel | At Risk – Declining | Only present in 5 of the last 15 years. |
| Ngutupare/Wrybill | At Risk – Declining | Only present in 3 of the last 15 years. |
| Tuturiwhatu/Northern New Zealand dotterel | Threatened - Nationally Increasing | Breeds at the sand pile during spring-summer. |
| Tōrea/South Island pied oystercatcher | At Risk – Declining | - |
| Tōrea pango/Variable oystercatcher | At Risk - Recovering | Breeds at the sand pile during spring-summer. |
| Spur-winged plover | Not Threatened | - |

| Species | Conservation Status | Comments |
|----------------------------|---------------------------------------|--|
| Poaka/Pied stilt | Not Threatened | - |
| Gulls | | |
| Karoro/Black-backed gull | Not Threatened | Present in small numbers. |
| Tarāpuka/Black-billed gull | At Risk - Declining | Observed on at least 5 occasions, but not in recent years. Breeds at the sand pile during spring-summer. |
| Tarāpunga/Red-billed gull | At Risk - Declining | Present in large numbers. Breeds at the sand pile during spring-summer. |
| Terns | | |
| Taranui/Caspian tern | Threatened - Nationally Vulnerable | - |
| Tara/White-fronted tern | At Risk - Declining | Common on the sand pile and the rock wall. |

Five of these species have been recorded breeding at the sand pile during spring-summer. Multiple species use the sand pile as a high tide roost in autumn-winter. The sand pile is actively used as part of Port operations. However, this use has not deterred the birds mentioned in the table above from using the sand pile or returning to it annually to roost.

3.10.1.1 Kuaka/Eastern bar-tailed godwit

The kuaka/eastern bar-tailed godwit (*Limosa lapponica baueri*) is classified as At Risk – Declining. It migrates to Aotearoa/New Zealand annually, arriving in September and departing by March. Te Awanui/Tauranga Harbour is one important non-breeding location these birds frequent, along with Manukau Harbour, Farewell Spit and the Firth of Thames.

The harbour supports more than 1% of the global population of this species and is ranked as New Zealand’s fourth most important location for these birds. Surveyed numbers have varied between 1,000 to 3,000 individuals, but in recent years surveys have consistently recorded around 2,000 birds.

Important roost sites in Te Awanui/Tauranga Harbour include Sulphur Point, Bowentown shellbanks, Matahui Point, Tinopai sandbar, and Tahanamanu Island. These sites vary in availability depending on tides, weather, and physical changes to the environment. Some sites are entirely above mean high-water springs and therefore are continuously available.

Other sites are available only for a certain number of days per month. Some sites, such as the Ōmokoroa golf course, are used only at spring high tides or during bad weather.

The Sulphur Point roost site has changed over the decades, including major reclamation works as part of the development of the Sulphur Point wharves. Wader numbers, including Kuaka/Eastern bar-tailed godwits, have fluctuated over this time.

3.10.1.2 Oystercatchers

Two oystercatcher species frequent the sand pile.

Tōrea/South Island pied oystercatcher (At Risk – Declining) is the second most common species using the sand pile. Numbers have varied from 200 to 750 individuals over winter months, and 20 to 220 individuals over summer. It does not breed at the sand pile.

The tōrea pango/variable oystercatcher (*Haematopus unicolor*, At Risk – Recovering) has been recorded in low numbers in the breeding season, and occasionally after breeding.

3.10.1.3 Dotterels

Two species of dotterel have been recorded at the Sulphur Point sand pile.

The tūturiwhatu/northern New Zealand dotterel (*Charadrius obscurus aquilonius*, Threatened – Nationally Increasing) has been surveyed in low numbers during the breeding season. Periodic flocks of up to 20 birds have been recorded post-breeding, almost reaching the 1% population level.

The pohowera/banded dotterel (*Charadrius bicinctus bicinctus*, At Risk – Declining) were only recorded in 2010 (surveys from 2007-2021), with a flock of 100 individuals observed. This species breeds throughout Aotearoa/New Zealand.

3.10.1.4 Terns

Two tern species have been recorded at the Sulphur Point sand pile.

Tara/white-fronted tern (*Sterna striata striata*, At Risk – Declining) established a breeding colony of approximately 67 nests at the sand pile in 2018. 300 individuals were recorded at the sand pile during November 2023.

Small numbers of taranui/caspian terns (*Hydroprogne caspia*, Threatened – Nationally Vulnerable) have been observed during the breeding season (two or three birds). No breeding has been observed at this site. Up to 28 birds were recorded during the 2010, 2012, and 2013 non-breeding seasons.

3.10.1.5 Gulls

All three gull species known in Aotearoa/New Zealand have been recorded at the Sulphur Point sand pile.

Tarāpuka/black-billed gull (*Chroicocephalus bulleri*, At Risk – Declining) has been recorded in numbers of 1-12 individuals during 2014 – 2017 and may have bred at the site in 2016. In 2008 a flock of 210 was recorded.

Tarāpunga/red-billed gull (*Chroicocephalus novaehollandiae scopulinus*, At Risk – Declining) breeds at the sand pile intermittently, with approximately 50 nests in 2023. However, these birds breed in a much larger colony at the rock wall of the Mount Maunganui wharves (discussed later).

Karoro/southern black-backed gull (*Larus dominicanus dominicanus*, Not Threatened) is a super-abundant native species that occasionally nests at the sand pile and poses a predation threat to other vulnerable bird species.

3.10.1.6 Other Species

Ngutupare/wrybill (*Anarhynchus frontalis*, Threatened – Nationally Vulnerable) uses Te Awanui/Tauranga Harbour as a wintering site. It has occasionally been recorded at the Sulphur Point sand pile in numbers near or above the 1% population level (surveys of 71, 52, and 48 birds).

Poaka/pied stilt (*Himantopus himantopus leucocephalus*, Not Threatened) have only been recorded at the Sulphur Point sand pile twice, with only two birds recorded 2011 and 2014.

3.10.2 Mount Maunganui Wharves

3.10.2.1 Tarāpunga/red-billed gull

The presence of a large tarāpunga/red-billed gull (At Risk – Declining) colony on the rock wall at these wharves was formally recognised as part of a national survey in 2015-2016.

POTL commenced monthly surveys of roosting and nesting birds in January 2022. The colony has been estimated to have up to 800 individuals and over 250 nests. This represents 1.8% of the national breeding population.

The mobile nature of the species is apparent insofar as the colony has sometimes located on the roof of a large cargo shed at the north end of Sulphur Point Wharf but has established each spring at its current rock wall location for several years.

The presence of the gull colony at the Mount Maunganui wharves has created a health and safety issue for POTL. Staff are dive-bombed by birds while working (particularly when tying mooring ropes). Mooring ropes and other surfaces are covered in gull faeces which become slippery when wet and there is concern regarding the potential for spread of infectious organisms from bird faeces.

POTL has attempted to reduce the issue by constructing overhead shelters to protect staff, and by covering the seawall with concrete and asphalt to encourage the birds to move (see Figure 37 below). However, the main gull colony has only moved slightly further south, and continue to present an issue for Port operations.



Figure 37: Overhead shelter, with gull colony visible behind.

Recently, an additional tarāpunga/red-billed gull breeding colony has established to the south of the main colony, at Butters Landing.

Butters Landing provides an amenity building used by POTL staff for tea and meal breaks. The new tarāpunga/red-billed gull colony there has resulted in gull droppings covering the building, staff vehicles, and paths. This situation poses a health risk as it makes the area unhygienic and increases the risk of transmission of avian-borne diseases such as the highly infectious strain of avian flu which is transmitted worldwide by migratory birds, such as the kuaka/eastern bar-tailed godwit, which is present across Stella Passage at the sand pile.



Figure 38: Gull colony at Butters Landing.

3.10.2.2 Kororā/Northern blue penguin

Blue penguins in the Bay of Plenty are the Northern blue penguin subspecies *Eudyptula minor iredalei*, classified as At Risk – Declining.

Tauranga supports a significant kororā/blue penguin population, with 400 pairs at Mauao (Mount Maunganui), 100 pairs at Moturiki (Leisure Island) and 200 pairs at Motuotau (Rabbit Island).

A penguin survey of POTL in August 2019 (using a tracker dog) detected kororā/blue penguins at several locations including 16 indications in the section of rock wall (within the footprint of the tarāpunga/red-billed gull colony) at the Mount Maunganui wharves.

All penguin detections in the Mount Maunganui seawall were of deep burrows beneath rocks, or in sandy substrates underneath the asphalt road surface. If present, the 16 burrows would equate to approximately 2.3% of Tauranga’s known kororā/blue penguin population. However, the resident population at this location is likely to be less than the number indicated by the dog, as penguins will also nest in other locations around Tauranga.

3.11 AIR QUALITY

The Mount Maunganui Airshed was gazetted in November 2019. In accordance with the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (“**NESAQ**”), the airshed was immediately classified as “polluted” with respect to PM₁₀ particulate matter.

Air discharges from normal shipping operations are expressly permitted under the Resource Management (Marine Pollution) Regulation 1998 (“**Marine Pollution Regulations**”) discussed in Section 5.1.3.1 below.



Nevertheless, in the interests of presenting a comprehensive assessment of the Project's effects, POTL commissioned the Air Quality Assessment included as **Appendix 15** to this report.

That report identifies the contaminants of interest as sulphur dioxide, particulate matter and nitrogen dioxide. The existing environment of these contaminants are summarised below in the context of the air quality guidelines adopted from:

The NESAQ;

- > Proposed changes to the NESAQ by the Ministry of the Environment in 2020 (proposed NESAQ) which have not been adopted; and
- > The Ministry for the Environment's Ambient Air Quality Guidelines ("AAQG").

The relevant guidelines are set out in the table below.

Table 10: New Zealand ambient air quality standards and guidelines.

| Pollutant | Time average | NZ standard/guideline | |
|---|--------------|------------------------------------|----------------|
| | | Value ($\mu\text{g}/\text{m}^3$) | Source |
| Sulphur Dioxide ("SO ₂ ") | 1-hour | 350 (570) ^a | NESAQ |
| | 24-hour | 120 | AAQG |
| Particulate Matter ("PM ₁₀ ") | 24-hour | 50 ^b | NESAQ |
| | Annual | 20 | AAQG |
| Particulate Matter ("PM _{2.5} ") | 24-hour | 25 | Proposed NESAQ |
| | Annual | 10 | Proposed NESAQ |
| Nitrogen Dioxide ("NO ₂ ") | 1-hour | 200 | NESAQ |
| | 24-hour | 100 | AAQG |

3.11.1 Sulphur Dioxide

Shipping emissions have historically been a significant source of SO₂ emissions due to the relatively high sulphur content in marine fuel oil. SO₂ air quality has improved significantly



between 2020 to 2023, largely due to the International Convention for the Prevention of Pollution from Ships (“**MARPOL**”) regulations reducing marine fuel sulphur content.

Reductions of 74%-81% in SO₂ concentrations were recorded in data from the Rata Street, Railyard South and the wind-filtered Totara Street monitoring sites (illustrated in the table below), corresponding with the level of reduction anticipated to arise from the promulgation of MARPOL (estimated to be approximately 79%).

Lesser reductions were recorded for SO₂ concentrations at the Sulphur Point, Bridge Marina, and Whareroa Marae monitoring sites. These sites were likely influenced by factors such as emissions from the nearby Ballance Agri-Nutrients plant, varying pre-MARPOL fuel quality, background emissions, and/or low pre-MARPOL baseline measurements.

Table 11: Annual Average SO₂ Air Quality Monitoring Data between 2018 and 2023.

| Year | SO ₂ concentration (µg/m ³) | | | | | |
|----------------------------|--|-----------------|---------------|---------------|---------------|----------------|
| | Rata Street | Rail Yard South | Sulphur Point | Totara Street | Bridge Marina | Whareroa Marae |
| 2018 | Insufficient | Insufficient | Insufficient | 15.6 | 7.0 | 10.2 |
| 2019 | 19.2 | 22.6 | 6.2 | 17.6 | 6.7 | 9.6 |
| Average pre-MARPOL | 19.2 | 22.6 | 6.2 | 16.6 | 6.9 | 9.9 |
| 2020 | 3.5 | 4.1 | 3.0 | 4.2 | 3.8 | 5.5 |
| 2021 | 3.3 | 3.6 | 2.8 | 4.0 | 3.9 | 5.4 |
| 2022 | 4.1 | 3.2 | 3.7 | 4.8 | 3.5 | 4.9 |
| 2023 | 3.7 | Insufficient | Insufficient | 4.2 | 2.1 | 2.6 |
| Average post-MARPOL | 3.6 | 3.6 | 3.2 | 4.3 | 3.3 | 4.7 |
| Average reduction | 81% | 84% | 48% | 74% | 52% | 53% |



Since 2016 there have been no measured exceedances of either the upper “never to be exceeded” threshold concentration of 570 $\mu\text{g}/\text{m}^3$ (1- hour average) or lower threshold of 350 $\mu\text{g}/\text{m}^3$ (1- hour average) set in the NESAQ at any of the monitoring stations.

3.11.2 Particulate Matter - PM_{10}

PM_{10} air quality in the Mount Maunganui area has improved significantly since 2019, with annual averages decreasing at most monitoring sites, including consistent year-on-year improvement at Whareroa Marae (Figure 39). From 2020 to 2023, annual and 24-hour average PM_{10} concentrations at Whareroa Marae met New Zealand standards and World Health Organisation (“WHO”) 2021 guidelines, except for one exceedance of the 24-hour standard in December 2020.

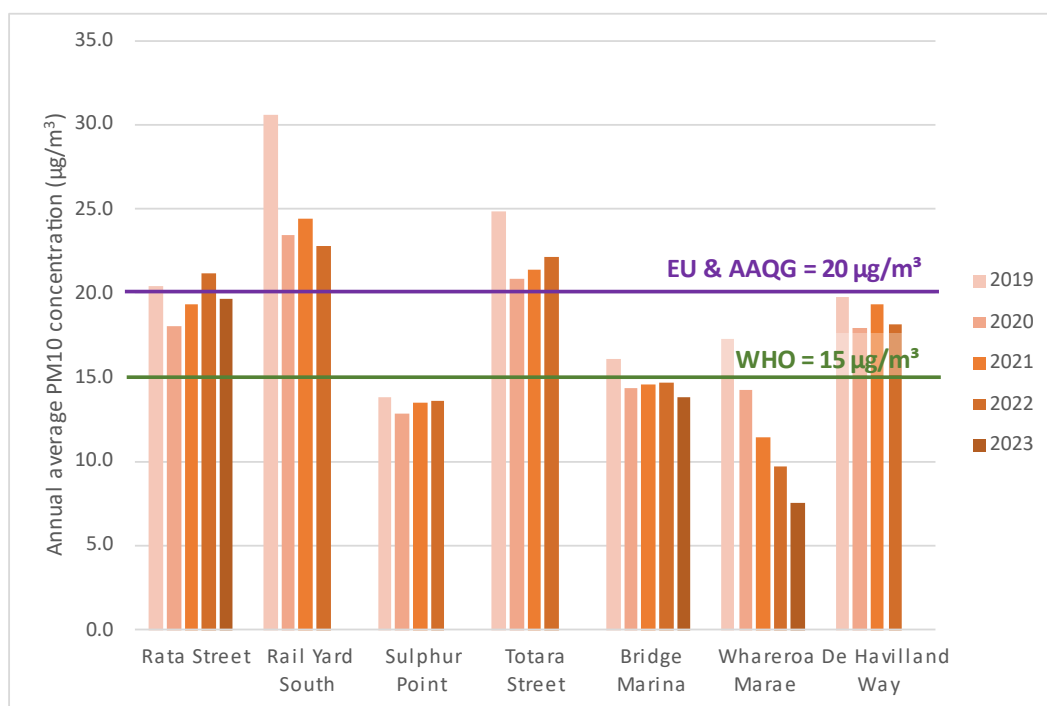


Figure 39: Average Annual PM_{10} concentrations between 2019 and 2023.

Over the 2019 to 2023 period, there was one exceedance of the ambient air quality standard of 50 $\mu\text{g}/\text{m}^3$ (24-hour average) at Whareroa Marae, on 9 December 2020.

PM_{10} concentrations in the area are influenced by a variety of sources, including industrial emissions, fugitive dust from bulk solids and log handling, resuspended road dust, domestic heating, and marine aerosols. Efforts to reduce emissions from bulk solids and log handling activities have been a major factor in improving air quality, particularly at Rail Yard South, Rata Street, and De Havilland Way. Improvements from reduced sulphur content in marine fuel are minor and less discernible in the data.



At Whareroa Marae, the nearest sensitive receiver to the Port, existing air quality meets all of the relevant New Zealand standards and guidelines. While PM₁₀ levels at some locations in the Mount Maunganui Airshed do not meet the 24-hour standard set in the NESAQ and the Airshed was classified as “polluted” with respect to PM₁₀, concentrations of this contaminant at Whareroa Marae are well within the levels set in the NESAQ and the more stringent WHO 2021 guidelines (see section 8.3 of the Air Quality Assessment (**Appendix 15**)).

3.11.3 Particulate Matter - PM_{2.5}

Annual average PM_{2.5} concentrations recorded at Regional Council monitoring sites between 2019 and 2024 are set out in Table 12 below. The proposed NESAQ and WHO guideline levels – which are not adopted – are provided for comparison.

PM_{2.5} concentrations at the Totara Street monitoring site met the proposed NESAQ and WHO 2021 24-hour average guidelines, although annual averages exceed the WHO 2021 guideline.

PM_{2.5} concentrations at Whareroa Marae, meet the proposed NESAQ and WHO 2021 guidelines for both the 24-hour average and annual average.

Table 12: Average Annual PM_{2.5} Air Quality between 2019 and 2024.

| Averaging period | Year | PM _{2.5} concentration (µg/m ³) | | |
|-------------------------|------|--|----------------|----------------------|
| | | Totara Street | Whareroa Marae | Assessment criterion |
| Annual average | 2019 | 8.0 | - | 10 (Proposed NESAQ) |
| | 2020 | 6.2 | - | 5 (WHO 2021) |
| | 2021 | 6.3 | - | |
| | 2022 | 6.5 | - | |
| | 2023 | Insufficient | - | |
| | 2024 | - | 4.8 | |
| Maximum 24-hour average | 2019 | 21.6 | - | 25 (Proposed NESAQ) |
| | 2020 | 16.8 | - | |



| Averaging period | Year | PM _{2.5} concentration (µg/m ³) | | |
|--------------------------------|------|--|----------------|----------------------|
| | | Totara Street | Whareroa Marae | Assessment criterion |
| | 2021 | 16.1 | - | |
| | 2022 | 18.5 | - | |
| | 2023 | 10.8 ^a | - | |
| | 2024 | - | 10.6 | |
| Fourth highest 24-hour average | 2019 | 15.4 | - | 15 (WHO 2021) |
| | 2020 | 13.1 | - | |
| | 2021 | 11.3 | - | |
| | 2022 | 11.5 | - | |
| | 2023 | 10.0 ^a | - | |
| | 2024 | - | 9.9 | |

3.11.4 Nitrogen Dioxide

NO₂ concentrations recorded at a monitoring site based at Whareroa Marae between August 2023 and September 2024 are set out in Table 13 below. As can be seen in the first two rows in this table, NO₂ is compliant with the NESAQ and AAQG guidelines. As noted in section 4.2 of the Air Quality Assessment (**Appendix 15**), air quality at many urban locations in New Zealand does not (or is unlikely to) meet the WHO 2021 guidelines for NO₂.

Table 13: NO₂ Concentrations at Whareroa Marae.

| Averaging period | Nitrogen dioxide (NO ₂) | Nitrogen dioxide ambient air quality criterion |
|--------------------------------|-------------------------------------|--|
| Maximum 1-hour average | 50.8 (µg/m ³) | 200 (NESAQ) |
| Maximum 24-hour average | 29.3 (µg/m ³) | 100 (AAQG) |
| Fourth highest 24-hour average | 27.9 (µg/m ³) | 25 (WHO 2021) |



| Averaging period | Nitrogen dioxide (NO ₂) | Nitrogen dioxide ambient air quality criterion |
|------------------|-------------------------------------|--|
| Annual average | 10.2 (µg/m ³) | 10 (WHO 2021) 20 (EU) |

3.12 NOISE

The Construction Noise Assessment provided as **Appendix 16** to this report describes the existing noise environment near the Port as summarised below.

3.12.1 Sensitive Noise Receivers

Whareroa Marae is on the harbours edge, between State Highway 2 (“**SH2**”) and Tauranga Airport. The Marae is the closest sensitive noise receiver to the Port. The boundaries of the marae site are at nearest, approximately 200 m southeast of the Mount Maunganui wharves. There are several dwellings within the Marae grounds.

Ōtūmoetai and central Tauranga also contain noise sensitive receivers, but these localities are more than 800 m away to the south and southwest of the Port.

3.12.2 Existing Noise

Noise monitoring data recorded adjacent to Whareroa Marae in August 2022 over a six-day period revealed the following:

- > Daytime ambient noise levels were typically between 55 – 60 dB L_{Aeq (15min)} Monday to Saturday, while the background noise level was typically 50 dB L_{A90 (15min)}; and
- > At night, noise levels reduced in a manner typical of diurnal patterns observed near busy roads. The ambient levels reduced to 45 – 50 dB L_{Aeq (15min)} and the background levels reduced to 40 – 45 dB L_{A90 (15min)}.

In November 2024, Marshall Day Acoustics completed short-term noise measurements during the late morning, early afternoon and early evening, at the dwelling at Whareroa Marae that is nearest the Port. A westerly (downwind) breeze during the noise measurements produced the ‘worst case’ for noise from SH2 traffic. Table 14 below states the results of the noise measurements.



Table 14: Noise Measurements at Whareroa Marae November 2024.

| Start | Duration | Noise Level | | | Description |
|---------|----------|--------------------------|------------------------|------------------------|--|
| | mm:ss | dB L _{AFmax} | dB L _{Aeq} | dB L _{A90} | |
| 11:12am | 15:09 | 74 | 58 | 50 | Controlled by SH2 road traffic. Port not obviously audible. Other intermittent sounds include plane flyovers (2 @ 72 dB LAeq 1sec), light vehicle movements accessing boat ramp, birds chirping, scissor lift at Ballance Fertiliser site. 7/8 cloud cover, light westerly (~1m/s). |
| 3:33pm | 15:01 | 72 | 60 | 56 | Same as above: Controlled by SH2 road traffic. 2/8 cloud cover, moderate westerly (~5m/s). |
| 10:38pm | 15:01 | 65 | 56 | 50 | Same as above: Controlled by SH2 road traffic. 0/8 cloud cover, moderate westerly (~4m/s). |

3.13 LANDSCAPE AND NATURAL CHARACTER

The existing environment, comprising landscape, natural character and amenity values surrounding the site, is described in the Landscape Effects Report (**Appendix 17**) and summarised below.

3.13.1 Stella Passage, Maunganui Roads & Mauao Harbour Entrance

The Port is a robust maritime landscape that is anchored by Sulphur Point and its visually distinctive container cranes, the Port's sheds and container stacks, the Mount Maunganui log berths, cruise ships, light standards and sea channel that links the port area. The transition from natural landscapes, such as Mauao's volcanic forest-covered slopes and Matakana Island's dune systems, to the industrialised port areas highlights the evolving character of the harbour's landscape.

Pilot Bay, near Mauao, features a gently curving beachfront lined with Norfolk Island pines and low-rise residential buildings. Adjacent to this, taller apartment buildings cluster closer to Mauao. Offshore, moored yachts and launches scatter the area, while the Maunganui Roads navigation channel stretches towards Sulphur Point and the port facilities. Key port activities are divided between Sulphur Point's container terminal, marked by towering cranes and container stacks, and the Mount Maunganui berths, which accommodate cruise ships, log freighters, and other cargo vessels.



The rectilinear Stella Passage basin further defines the harbour's industrial character, featuring container ships, log stacks, petroleum jetties, and associated infrastructure such as sheds, lighting, and storage areas. The Tauranga Bridge Marina and surrounding pontoons add to the dense maritime activity.

The Te Awanui/Tauranga Harbour Bridge and the lower Whareroa Bridge frame this port industrial zone, distinguishing it from the more urban and natural areas of Tauranga and Mount Maunganui. Stella Passage also acts as a physical and functional conduit, connecting the harbour to southern inlets like Waipu Bay and Te Tāhuna o Rangataua (Rangataua Bay). This combination of industrial and maritime elements creates a distinctive environment, blending the Port's highly modified infrastructure with its surrounding natural and urban landscapes.

3.13.2 Mount Maunganui Wharves

The Mount Maunganui wharves are characterised by extensive Port infrastructure, including cargo and storage facilities, railway lines, log stacks, equipment for Port operations, and Butters Landing provides ferry access and storage. A colony of gulls inhabits rock armouring near the southernmost log ship berth and fuel jetty.

Adjacent to these wharves, Mount Maunganui's industrial hub extends from Hewletts Road to Rata Street, encompassing heavy industrial activities like the Ballance Agri-nutrients plant, fuel storages and logistics centres. Recreational facilities such as the Bay Oval and residential areas lie on the periphery, and large format retail activities line Hewletts Road.

The industrial area separates the Port from Mount Maunganui's residential and retail districts further north and east. Transport routes such as Te Awanui Drive and the Te Awanui/Tauranga Harbour Bridge separate the Port from Waipu Bay and the Tauranga CBD.

3.13.3 Sulphur Point

Sulphur Point is reclaimed land initially created in 1969. The peninsula's rectilinear form, coupled with its angled head, marina embayment, and straight container berths, highlights its artificial character in aerial views. The container terminal is marked by cranes, berthed ships, container stacks, sheds, and security fencing is a dominant, utilitarian landscape feature, reinforced by its industrial, maritime, and bulk retail structures, with only the Marine Park offering a softer visual transition toward Otūmoetai Beach.

The Chapel Street and railway bridges crossing the Waikareao Estuary mouth underscore the functional nature of Sulphur Points' western shoreline, characterised by rock armouring, boat ramps, car parks, marinas, and scattered buildings. Trees and open spaces along Marine Park and the wastewater plant partially screen industrial elements, creating a degree

of visual relief. However, the functional essence of Sulphur Point remains pronounced, with the container cranes as a defining feature.

3.13.4 Otūmoetai

Otūmoetai is a residential suburb located west of Sulphur Point. From Otūmoetai Beach the northern end of Sulphur Point is clearly visible and ‘present’, together with the Tauranga Marina. From the Waikareao Estuary, Sulphur Point and the Tauranga Marina screen out views of a significant proportion of the Mount Maunganui wharves. Further west away from Waikareao Estuary, the Mount Maunganui wharves are more visible, however, in a visual sense there is no distinction between the wider harbour, the Port entrance and navigation channels. By contrast, views from a few more elevated parts of Otūmoetai reveal more of the industrial development and containers at Sulphur Point. Little of the main harbour, Mauao, or the Maunganui Roads channel and harbour entrance is visible.

3.13.5 Key Natural Features and Values

3.13.5.1 Outstanding Natural Features and Landscapes.

Much of Te Awanui/Tauranga Harbour is recognised within ONFL3 in the RCEP (Figure 40). The extent of ONFL3 specifically excludes Sulphur Point, Stella Passage and the shipping channel. The key attributes which drive the requirement for classification as ONFL relate to the high natural science values associated with the margins and habitats; the high transient values associated with the tidal influences; and the high aesthetic and natural character values of the vegetation and harbour patterns.



Figure 40: Outstanding Natural Features and Landscape overlays.

3.13.5.2 Areas of Significant Cultural Value

Cultural site ASCV-4A is identified near the Port Zone (Figure 41). ASCV-4A is Te Paritaha o Te Awanui, the large sand bank and shellfish bed located offshore from Waikorere (Pilot Bay) Panepane (Matakana Island), Te Papa (Sulphur Point), and Otūmoetai.

Te Paritaha o Te Awanui is the largest pipi bed within Te Awanui/Tauranga Harbour. The bed has been a customary harvesting ground for many generations and is still an important harvesting area today for the whānau and hapū of Ngāti Ranginui, Ngai Te Rangi and Ngāti Pūkenga. Te Paritaha is one of the few remaining sustainable shellfish beds within the harbour.

Te Paritaha is a taonga and a key source of sustenance for whānau, hapū and iwi of Tauranga Moana.

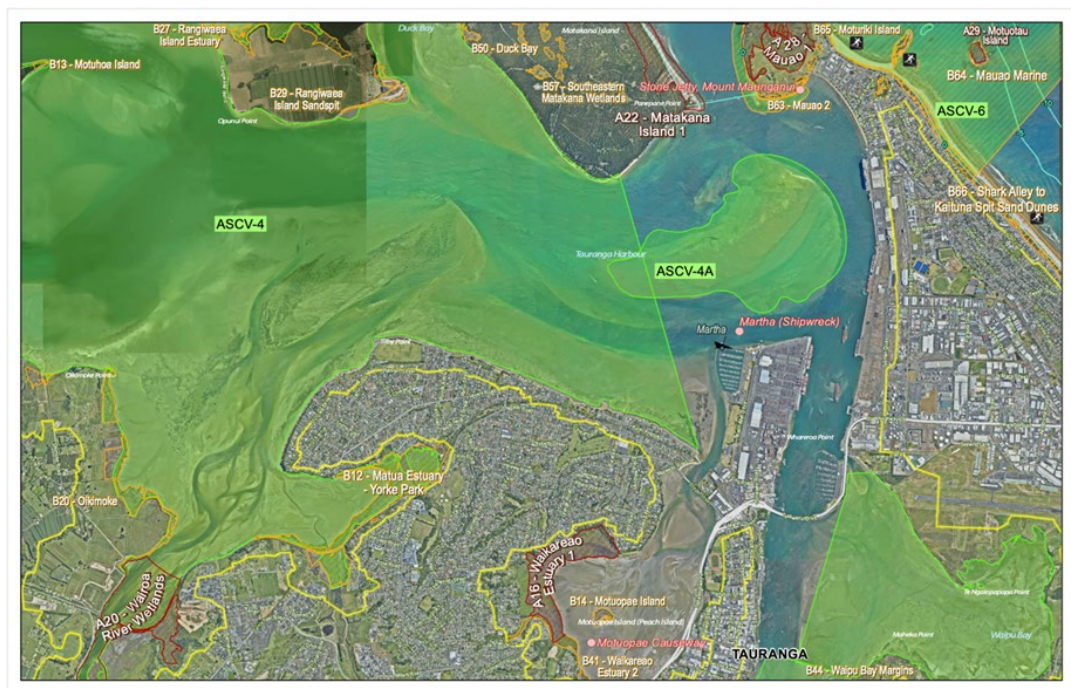


Figure 41: Areas of Significant Cultural Value (green shading).

3.14 ECONOMIC ENVIRONMENT

The Economic Effects Assessment (**Appendix 1**) details the economic environment that the Port interacts with. Summary details are as follows.



3.14.1.1 Tauranga

Tauranga has had sustained growth greater than the national average on many key metrics, including higher than national rates of growth in population, total GDP, average household income, per capita income, and total job numbers.

However, despite long-established and higher annual growth, it trails behind some comparable national averages in dollar terms, for instance, in average income per household and per capita. The city has relatively low proportions of the workforce in the highest paid occupations, and relatively high proportions in lower-paid occupations.

POTL is a substantial presence in the Tauranga economy, generating approximately \$417 million in operating revenue and spending approximately \$219 million in operating expenses. POTL's declared profit of \$117 million and employee expenses of \$54 million equated to 1.7% of Tauranga's GDP in the 2023-24 financial year.

In that year, in terms of direct employment POTL accounted for 279 jobs, or about 0.3% of the city's total employment, albeit well-paid employees whose mean salaries and wages are nearly 2.5 times those for Tauranga at large.

However, in the same year, Infometrics reported 677 jobs described under *Stevedoring services* in Tauranga, which will be connected to the port as contractors if not employees. As such, POTL's direct labour generation in the local economy could be more than double the number of employees directly employed by POTL.

Notwithstanding the above, POTL's significance goes far beyond the value of its own operations and primarily relates to its important role in facilitating trade. The regional and national significance of this is described in Section 6 of this report.

3.14.1.2 Regional Hinterland

In the wider context, the Bay of Plenty and Waikato regions had the highest annual average percent growth over the 20 years to 2023. In terms of annual increments of GDP, Waikato and the Bay of Plenty continue to be ranked fourth and fifth largest, respectively, behind the big three metropolitan regions of Auckland, Canterbury and Wellington but ahead of other regions like Otago, Hawke's Bay, Manawatu and Southland.

Population data shows a similar picture, with the Bay of Plenty and Waikato regions having the fastest and third fastest annual growth of any region over the five years to 2023 and Waikato having the third highest growth. The Bay of Plenty and Waikato remain drivers of New Zealand's economic growth, built on the production and export of primary sector commodities, particularly dairy from Waikato and horticulture and forestry from the Bay of



Plenty. The continued prosperity of these sectors in these regions depends on access to port services, which benefit the national economy.

3.14.1.3 National Context

The Port is one of 13 ports handling freight and passenger shipping. Most other ports in New Zealand are smaller or have less likelihood of accommodating future growth than Tauranga. Currently, Tauranga and Northport (Whangarei) are the only ports that can accommodate ships of 14.5 m draught.

The Port of Auckland is well positioned for importing to the country's largest city, but there is debate over the suitability of its location and what might replace it if it were to be relocated.

Northport has expansion plans, and it has natural deepwater berths that could handle larger ships. But its location means it has a restricted hinterland and tenuous land transport links.

Trade and geographic characteristics play a significant role in the Port's capacity for future growth in merchandise trade. In the financial year 2023, Tauranga was the largest port by container throughput (1,174,400 TEU, 13.3 million containerised tonnes, 34% of New Zealand's total) and the largest port by bulk trade (11.7 million tonnes, with 25% of New Zealand's total). It had the largest number of ship visits to any port in the country for these two categories of freight, and it also has the largest area of port operating land and largest container terminal area of any port in New Zealand. Its proximity to highly productive North Island regions means it is competitively located to handle trade.

3.14.1.4 International Shipping Trends

A trend in international shipping towards the use of larger freight ships has been well-signalled over many years and has implications for ports and land transport connections.

The increasing size of merchant ships is driven partly by economic factors and partly by regulatory changes (such as MARPOL). Ship-building has gained the technical capability to construct larger, more fuel-efficient ships. As vessels became bigger, capable of carrying larger loads, more fuel efficient, and faster, the cost per unit freight carried has reduced compared to older, smaller ships.

However, larger vessels require improved port infrastructure to accommodate them, such as bigger cranes, larger berths, robust systems and automation, and adequate storage space for loading and unloading freight.

The COVID-19 disruptions to production and trade volumes gave ship owners a further incentive to rationalise their fleets and retain only the most cost-effective vessels. Port facilities differ by region and country. Therefore, the type of vessel suited to trade lanes is



determined by the constraints of infrastructure and equipment at each destination, as well as by the volume of merchandise trade to be shifted between destinations.

3.15 NAVIGATION

The Navigation Safety Assessment attached as **Appendix 19** to this report outlines the settings for navigation movements in the Port as follows.

POTL's Port Control operates 24/7, to coordinate the safe transit of vessels, including dredgers, which require consistent communication to minimise navigational risks. To ensure the safe navigation of ships, POTL employs pilots to board large ships before they enter or leave the harbour, and navigate through the harbour entry and channels.

The navigational environment also extends to other users of Te Awanui/Tauranga Harbour and in particular the Maunganui Roads and Stella Passage shipping channel. Along with heavily use as a shipping channel for Port operations, Stella Passage is a transit lane for many commercial and recreational vessels using the boat ramps and marinas south of Stella Passage. The wider shipping channel itself is utilised at times for recreational purposes (i.e. recreational craft anchored to fish).

As described in Section 1.2.1.1 of this report, the Maunganui Roads portion of the shipping channel is frequently used by cruise ships berthing at the Mount Maunganui wharves during the summer cruise season.

As a navigational aid, a yellow special-purpose beacon marks the end of the dredged channel within Stella Passage, which transitions from 14.5 m depth below CD to approximately 4 m depth. The shape and colour of the beacon is in accordance with International Association of Marine Aids to Navigation and Lighthouse Authorities standards.

3.16 CULTURAL SETTING

3.16.1 Overview

As set out in the CVRs described in Section 8.2 of this report and the Cultural Consultation Report (**Appendix 18**), Te Awanui/Tauranga Harbour is a taonga for the tangata whenua of Tauranga and the wider Bay of Plenty, fundamental to identity, history, and well-being. Te Awanui/Tauranga provides a physical link for the iwi and hapū of Tauranga and the wider Bay of Plenty, with deep rooted historical and spiritual ties. The harbour is of utmost importance to Ngāti Ranginui, Ngāi Te Rangi, and Ngāti Pūkenga, collectively the 'Tauranga Moana Iwi' as described within the Tauranga Moana Iwi Management Plan 2016-2026. The Tauranga Moana Iwi Management Plan provides direction on the cultural setting of Te Awanui/Tauranga Harbour.



In a broader context, for tangata whenua, Te Awanui/Tauranga Harbour provides sustenance, reflects their whakapapa, and connects them to their ancestors. The waters, islands, estuaries, and coastal lands of Te Awanui/Tauranga Harbour are intertwined with traditional knowledge, customs, and spiritual beliefs.

Te Awanui/Tauranga Harbour is integral to Māori traditions and customary practices, serving as a spiritual, cultural, and economic hub. It is a place of wāhi tapu, a food bowl for mahinga kai and historic settlements that have supported the local iwi and hapū for generations.

3.16.2 Areas of Importance

Whareroa Marae, located less than 1 km from Mt Maunganui wharves section of the Project footprint, has direct access to Te Awanui/Tauranga Harbour via Waipu Bay.

Notwithstanding the intrinsic importance of Te Awanui/Tauranga Harbour as a whole, some key areas of importance are within the surrounding area of the Project footprint, including:

- > Te Paritaha: The largest pipi bed in the harbour, historically and presently used for mahinga kai (customary shellfish gathering);
- > Matakana Island and Panepane Bank at the mouth of the harbour; and
- > Mauao (Mount Maunganui): A sacred mountain, central to the identity of a number of Tauranga Moana Iwi.



4. THE PROJECT

4.1 INTRODUCTION

As summarised in Section 1.2, and as shown on Figure 16, the Project comprises three main elements being:

- > Extension of the Sulphur Point wharves, associated reclamation works and the erection of four cranes, with the two more northerly cranes reaching a maximum height of approximately 110 m above mean sea level and the two more southerly cranes reaching a maximum height of approximately 78 m above mean sea level;
- > Extension of the Mount Maunganui wharves and associated reclamation works; and
- > Capital and maintenance dredging of Stella Passage.

The plans below show the Project layout, with the Project elements are described in further detail in the sub-sections below.



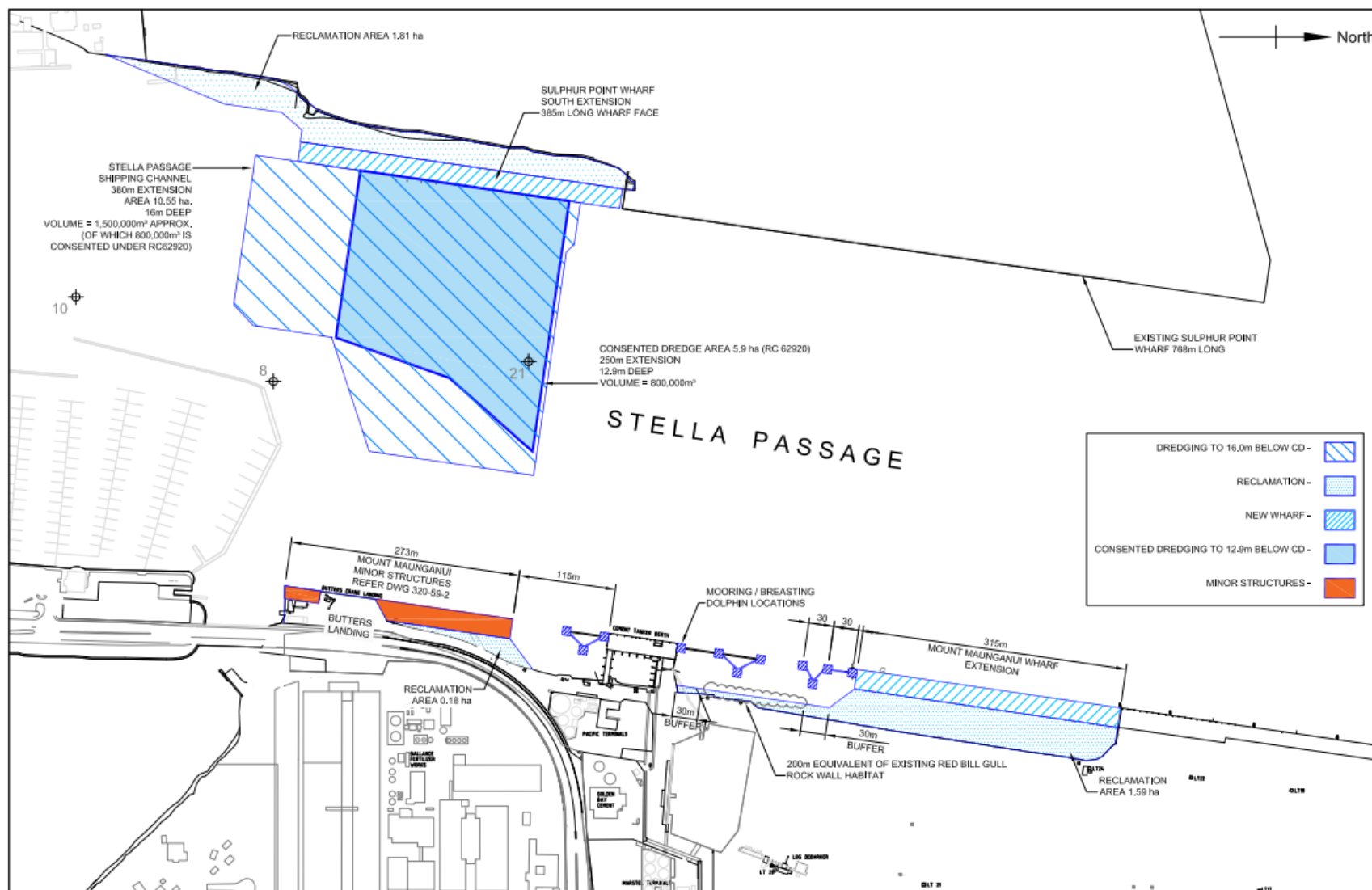


Figure 42: Proposed Wharves, Reclamations and Dredging.



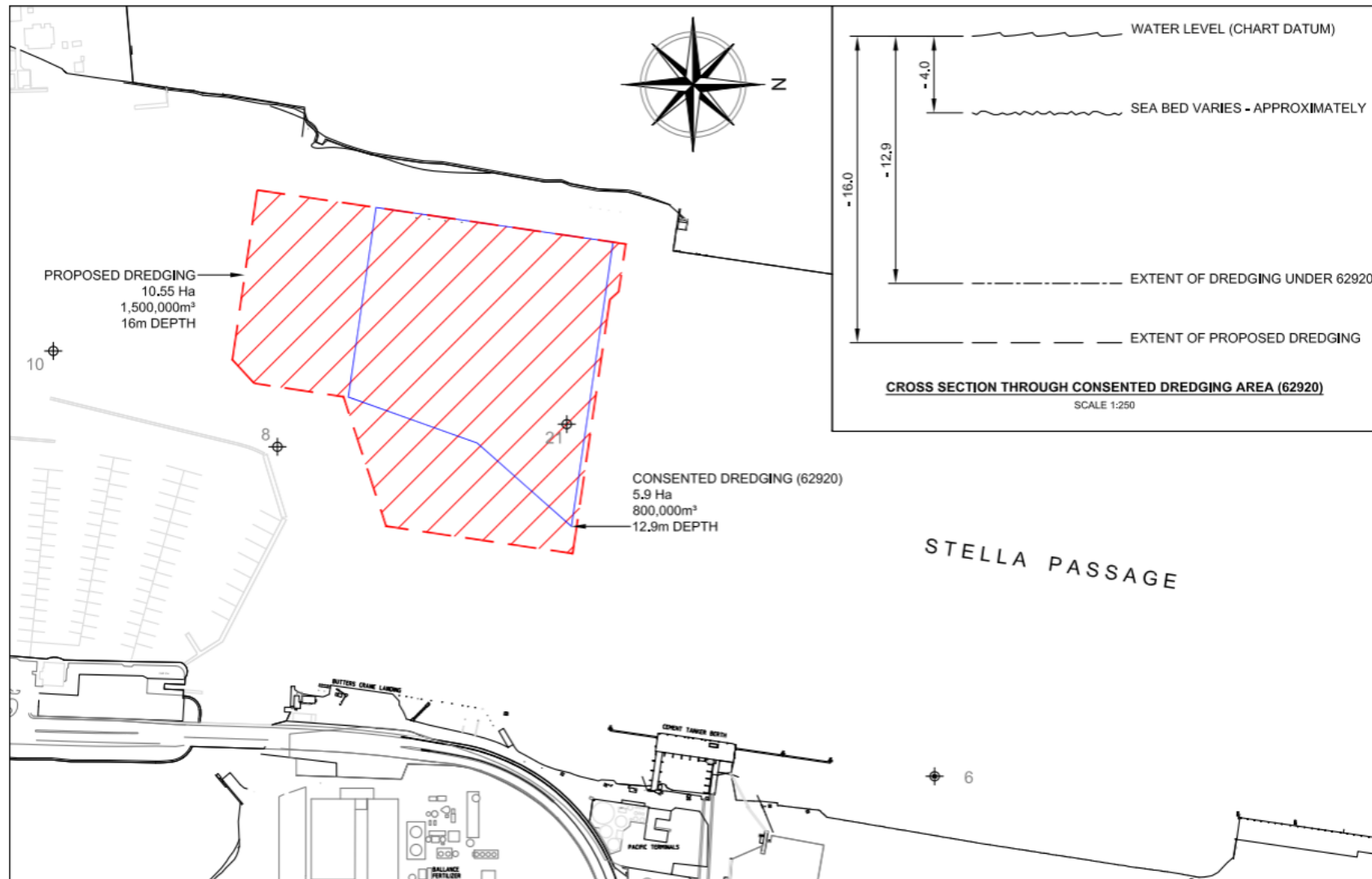


Figure 43: Consented and proposed dredging extents and indicative cross-section.

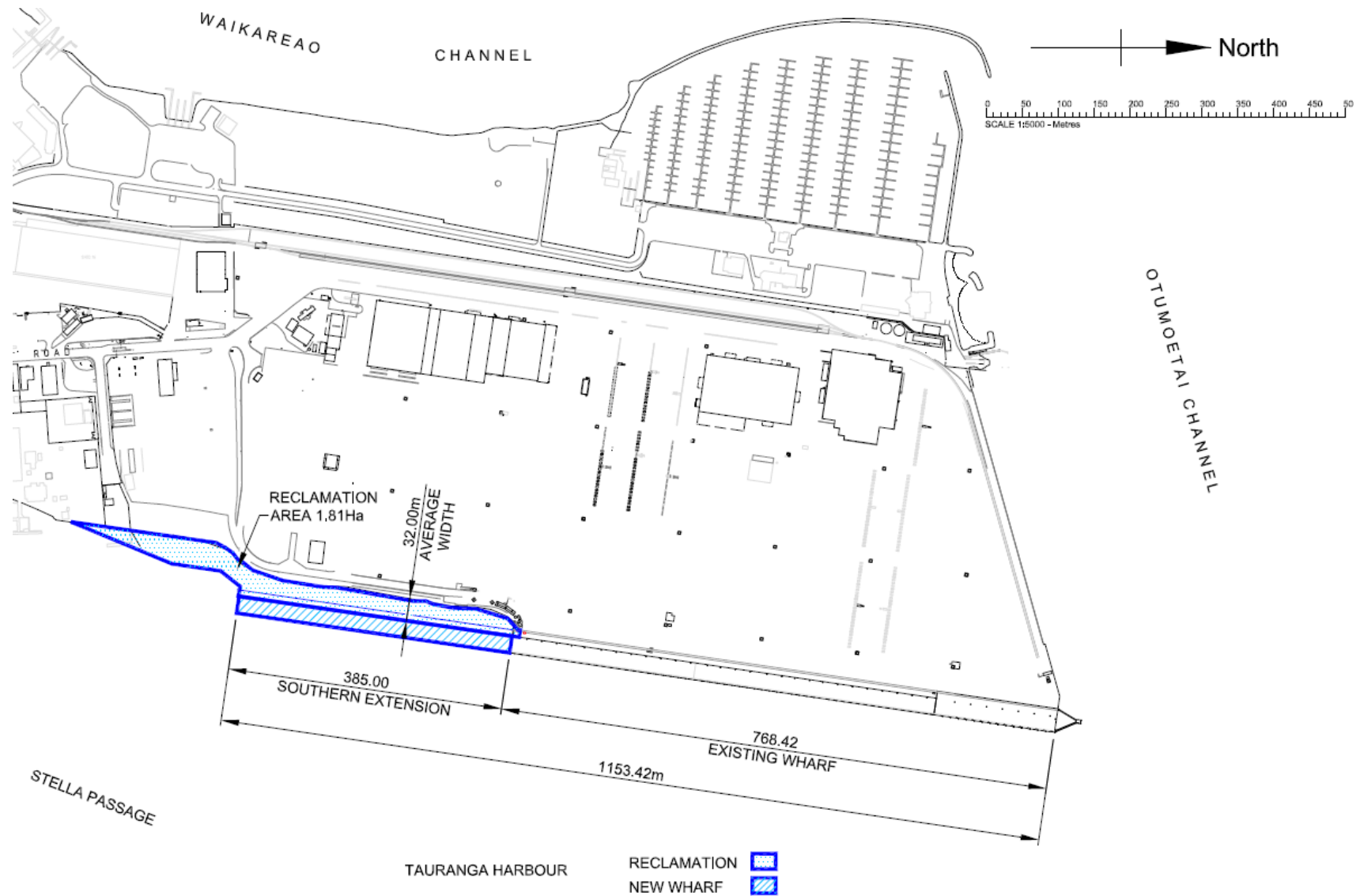


Figure 44: Sulphur Point reclamation and wharf extension.

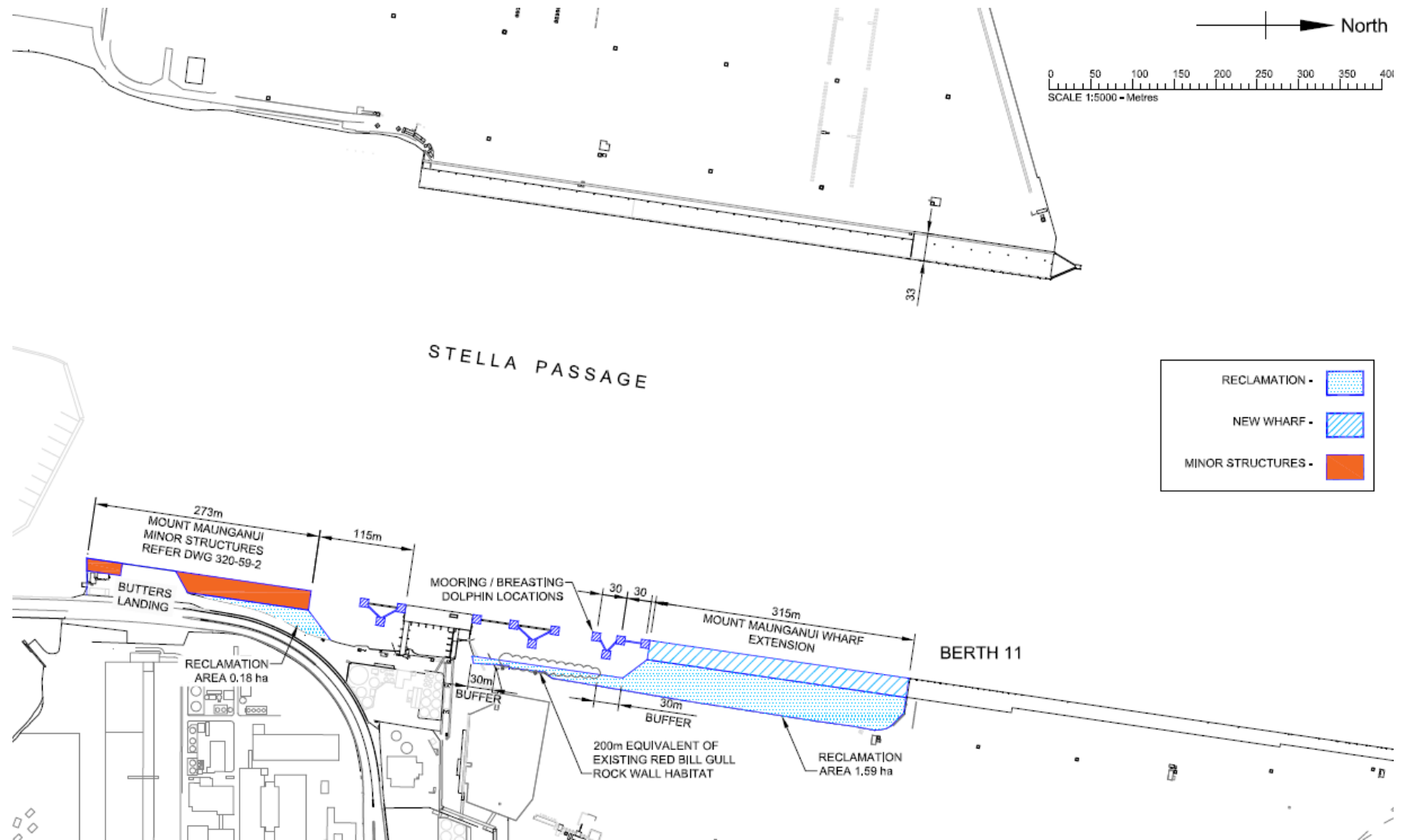


Figure 45: Mount Maunganui reclamations, wharf extensions and associated structures.

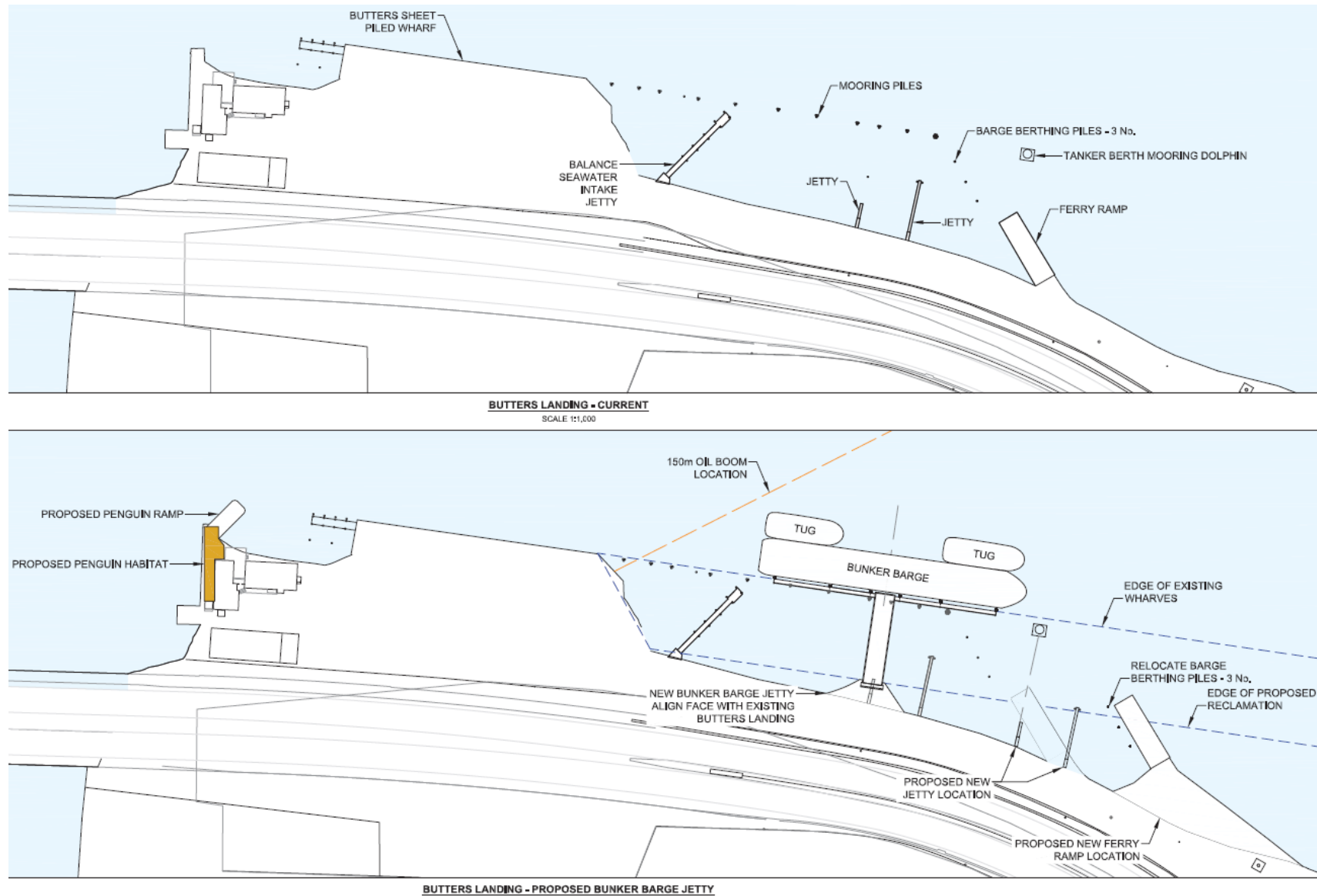


Figure 46: Current and Proposed Butters Landing configuration.

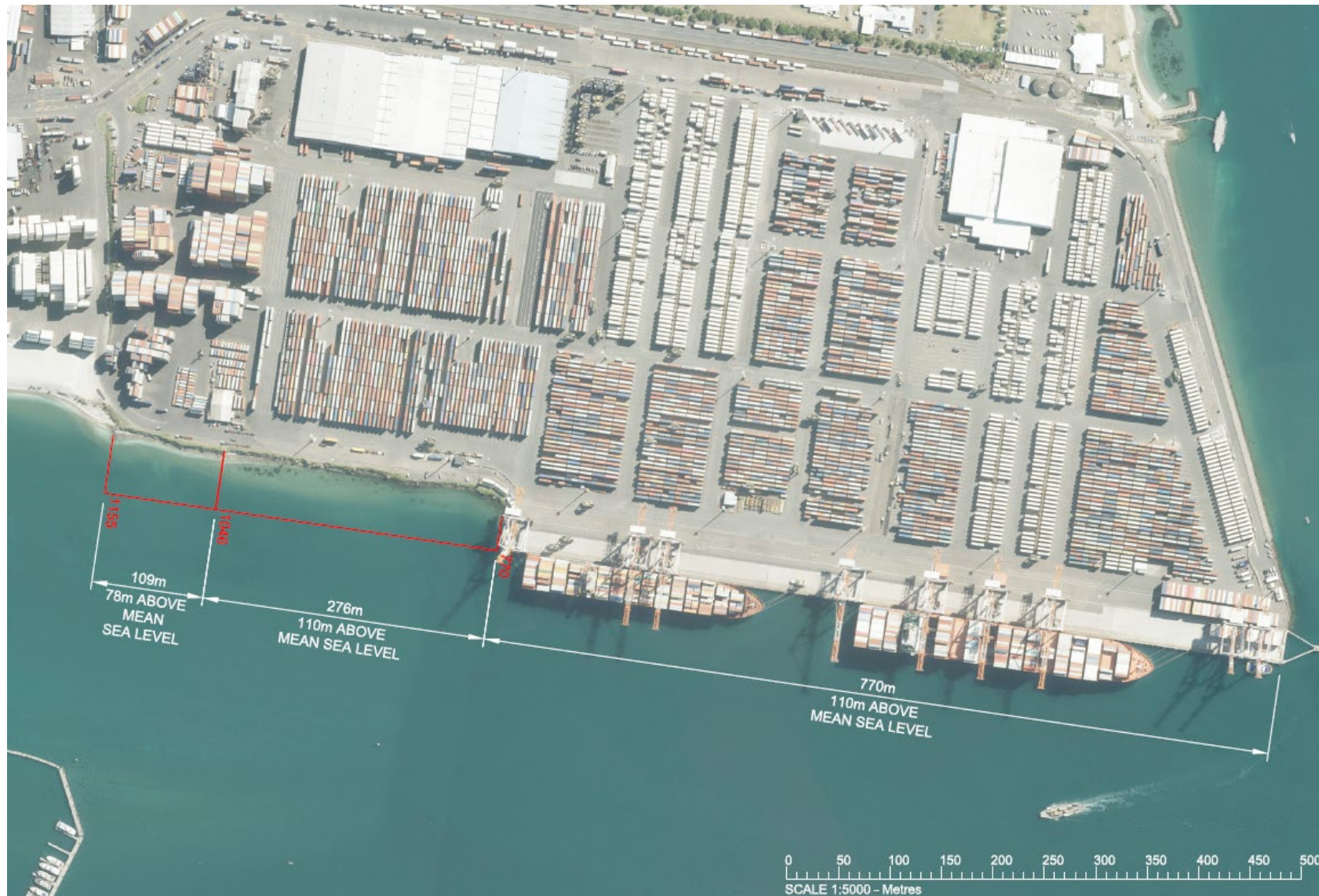


Figure 47: Indicative crane layout.

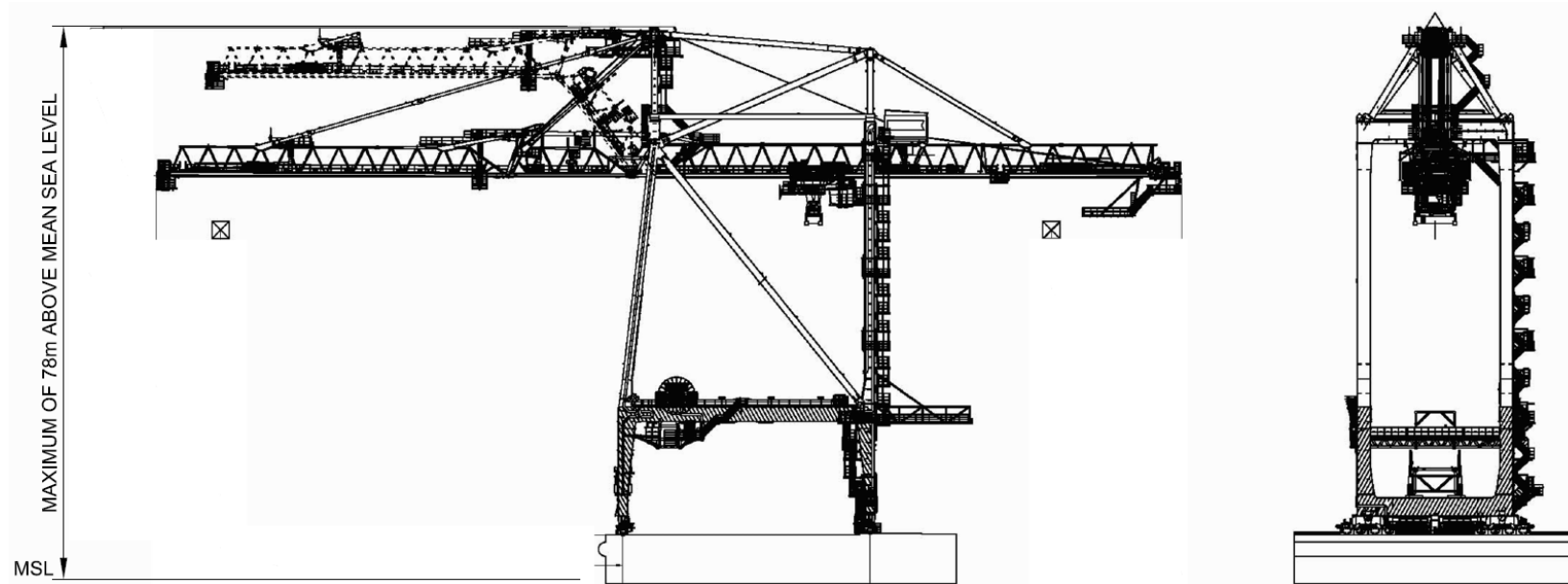


Figure 48: Articulated 78 m crane.



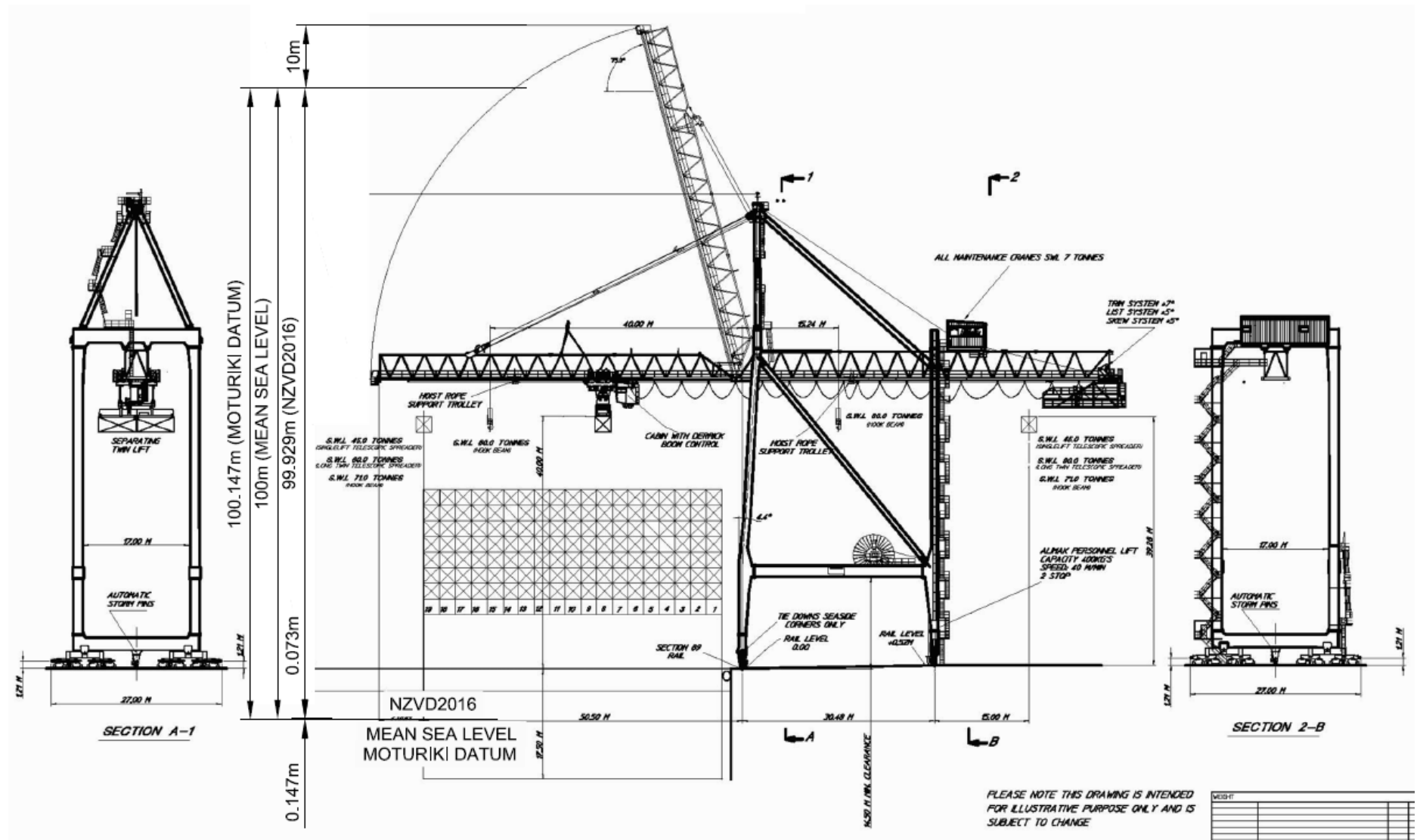


Figure 49: Crane cross-sections (A-frame 110 m crane).



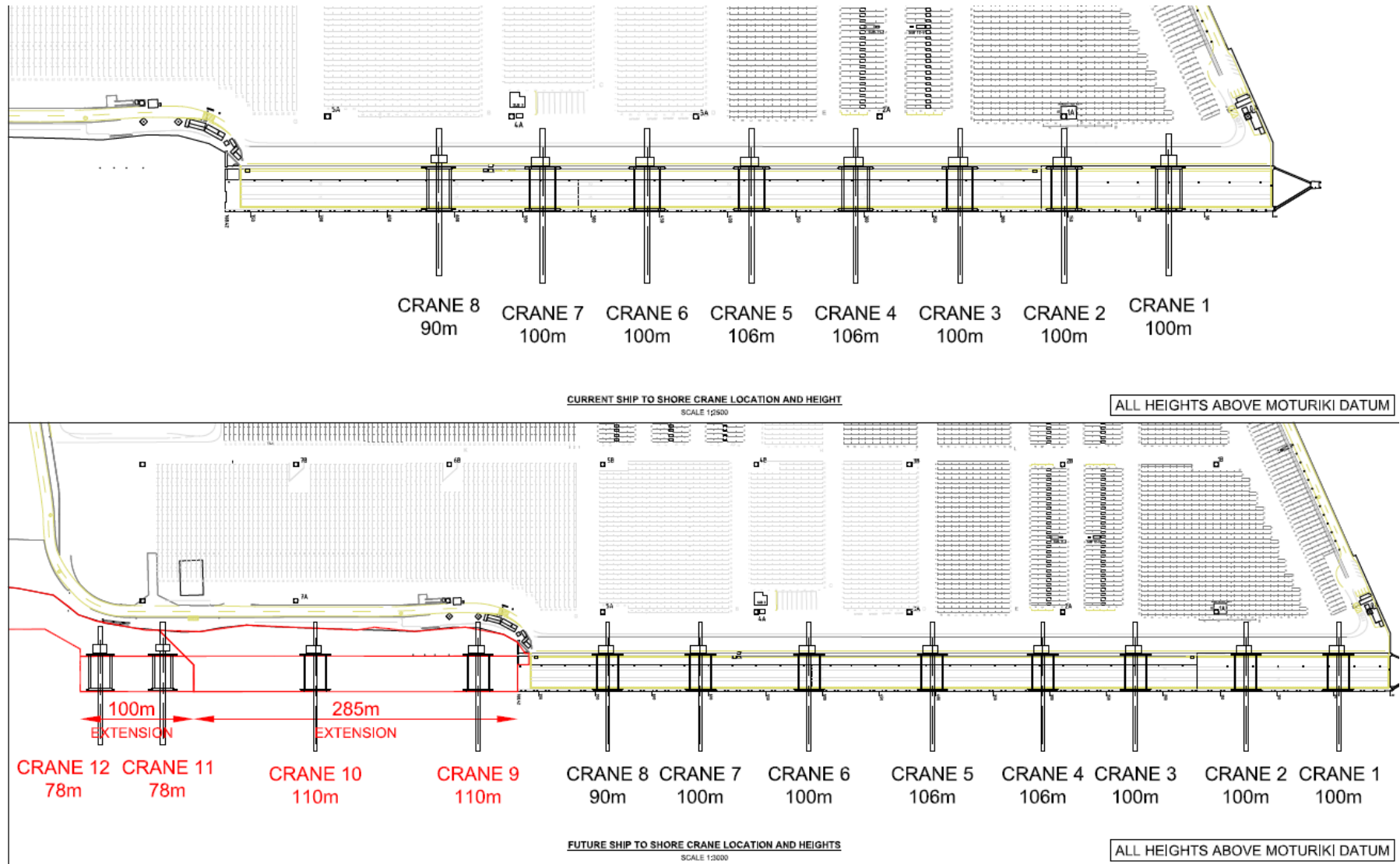


Figure 50: Indicative crane range.

4.2 STAGING AND TIMING

Section 13(4) of the FTA requires applicants to include the following information:

- (e) *the anticipated commencement and completion dates for construction activities (where relevant):*
- (f) *a statement of whether the project is planned to proceed in stages and, if so,—*
 - (i) *an outline of the nature and timing of the stages; and*⁸⁷

The Project will be staged. Rather than apply sequentially for a series of approvals, POTL is applying for all resource consents and wildlife approvals necessary to authorise the Project and will then develop in stages over time as required. This enables a comprehensive assessment of the entire Project and is a more appropriate approach than piecemeal consenting of a series of stages. It also will provide desirable certainty from an investment and demand management perspective.

Broadly speaking, the Project will be completed in two stages. The first stage is:

- > 0.88 ha of reclamation behind the Sulphur Point wharves;
- > Construction of the first 285 m of the Sulphur Point wharf extension; and
- > Dredging of approximately 6.1 ha of the Stella Passage seabed to remove approximately 850,000 Mm³ of dredgings. 5.9 ha of this area is authorised by resource consent 62920 to be dredged to 12.9 m CD. But, as mentioned earlier, that consent will expire soon.

The second stage comprises the balance of the Project:

- > Completion of the remaining of 0.93 ha of reclamation at Sulphur Point and development of the remaining 100 m of the Sulphur Point extension;
- > Completion of the remaining approximately 4.45 ha and 650,000 Mm³ of dredging; and
- > The additional Project components associated with the Mount Maunganui wharves.

The images below illustrate this indicative staging.

⁸⁷ Section 43(2) of the FTA specifically excludes listed projects from addressing sections 13(4)(f)(ii) and iii).



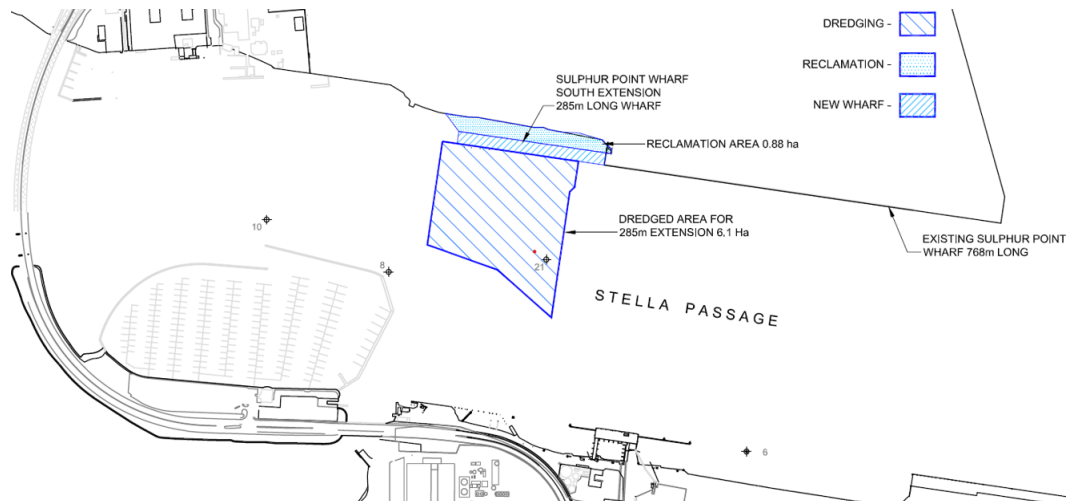


Figure 51: Indicative extent of first stage.

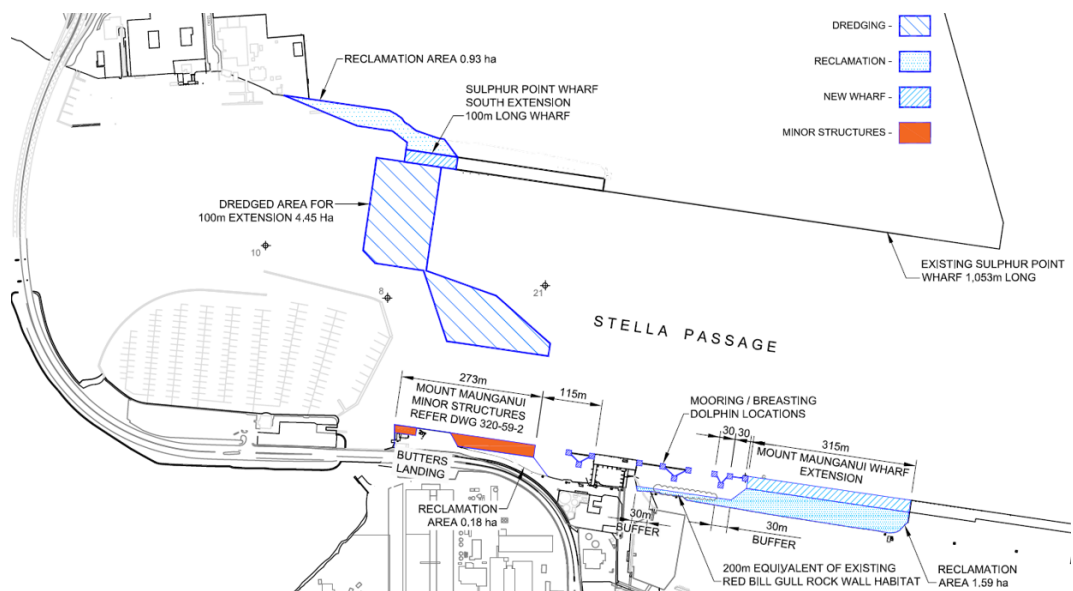


Figure 52: Indicative extent of second stage.

As mentioned, as part of the FTA application, POTL is applying to reconsent the 800,000 m³ of dredging in the Project dredging footprint which was previously authorised by resource consent 69620.

Figure 53 below compares the dredging authorised by consent 69620 to the overall Project dredging footprint.

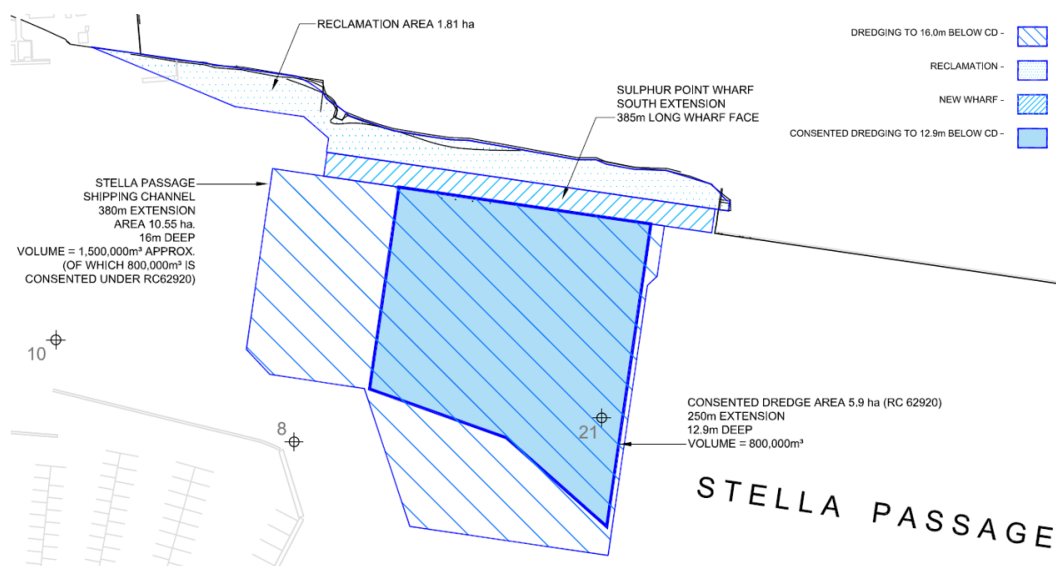


Figure 53: Relative extent of consented dredging to total dredging footprint.

For the purposes of section 13(4)(f)(ii) of the FTA, the entire Project is the subject of this substantive application. POTL is not making separate substantive applications for each stage. The stages are not independent, and the entire Project is necessary to remove the constraints on Port productivity and avoid the opportunity costs that are estimated in the Economic Effects Assessment.

Stage 1 activities would commence as soon as practical after approvals are procured, subject to meeting the relevant detailed design and recommencement requirements. Dredging, reclamation and wharf construction would be undertaken simultaneously where possible. The duration of this stage is estimated at two years. Therefore, for the purposes of section 13(4)(e) of the FTA, if stage 1 of the Project were to commence works in September 2025 the stage should be completed approximately 24 months later.

Stage 2 works would follow directly after the more urgent requirements of Stage 1. Some further sub-staging is envisaged to match construction with growth and to ensure that large swathes of the wharves and Port operations area are not out of action simultaneously.

There is an immediate requirement for the proposed bunker barge berth at Butters Landing. The barge is of shallow draught and does not require prior dredging to construct. It is estimated that the asset will take less than twelve months to design and construct. Commencement of this relatively minor structure will be dictated by Port resourcing and the design work expected to get underway during construction of the Stage 1 extension to the Sulphur Point Wharves.

The first extension of the Mount Maunganui wharf and associated reclamation is estimated to take six months to design and approximately 18 to 24 months to construct. Like with the

Sulphur Point wharf extension, the Mount Maunganui wharf extension may be staged to accommodate current vessel trends. This part of the development will be done after completion of the Sulphur Point extension and the bunker barge berth at Butters Landing. Additional enabling works (associated with the relocation and safeguarding of gulls and blue penguins) will be required before wharf construction can start. However, that enabling work can be carried out in advance while the earlier components of the Project are underway.

The proposed mooring and breasting dolphins on either side of the tanker berth are relatively minor structures. Their design and construction will likely be completed within twelve to eighteen months. This will occur after Stage 1, the bunker barge works, and Mount Maunganui Wharf extension is completed.

The Stage 2 Sulphur Point reclamation and wharf extension will begin design and construction following completion of all works at the Mount Maunganui Wharf. Given the estimated timeframes to complete the works at the Mount Maunganui Wharf set out above and the historic container growth through Sulphur Point, it is estimated that the Stage 2 Sulphur Point Wharf extension will begin design, followed by construction, in eight to ten years' time.

Therefore, the general sequence of development is:

- > Stage 1; then
- > The bunker barge jetty (Butters Landing); then
- > The Mount Maunganui wharves; then
- > The mooring and berthing dolphins at the tanker berth; then
- > Sulphur Point Stage 2.

The construction sequence for the wharf extensions is discussed in Section 4.6.3 of this report.

4.3 DREDGING AND DISPOSAL

The extensions to the shipping channel and sitting basins (alongside the wharves) are needed to enable vessels to berth. The proposed dredging will initially increase the depth of Stella Passage from the existing seabed depth of approximately 4 m - 8 m CD down to 14.5 m CD to match the existing shipping channel and allow safe manoeuvring of vessels. Deepening from 14.5 m to 16 m CD will be carried out to coincide with the dredging of the existing channel consistent with the consent for the existing channel (resource consents 65806 and 65807).



An allowance of 0.2 m of over-dredge has been used in calculating the volume to be removed across the area to be dredged. Previous campaigns indicate that this over-dredge allowance is appropriate. The proposed dredging will require a total dredge volume of 1.5 Mm³ (including over-dredge allowance).

The disposal of the dredged material does not require consent. It is provided for under the existing resource consents 65806 and 65807 which authorise the disposal of 15 Mm³ of dredged material at sites labelled H1 and H2 in Figure 54.

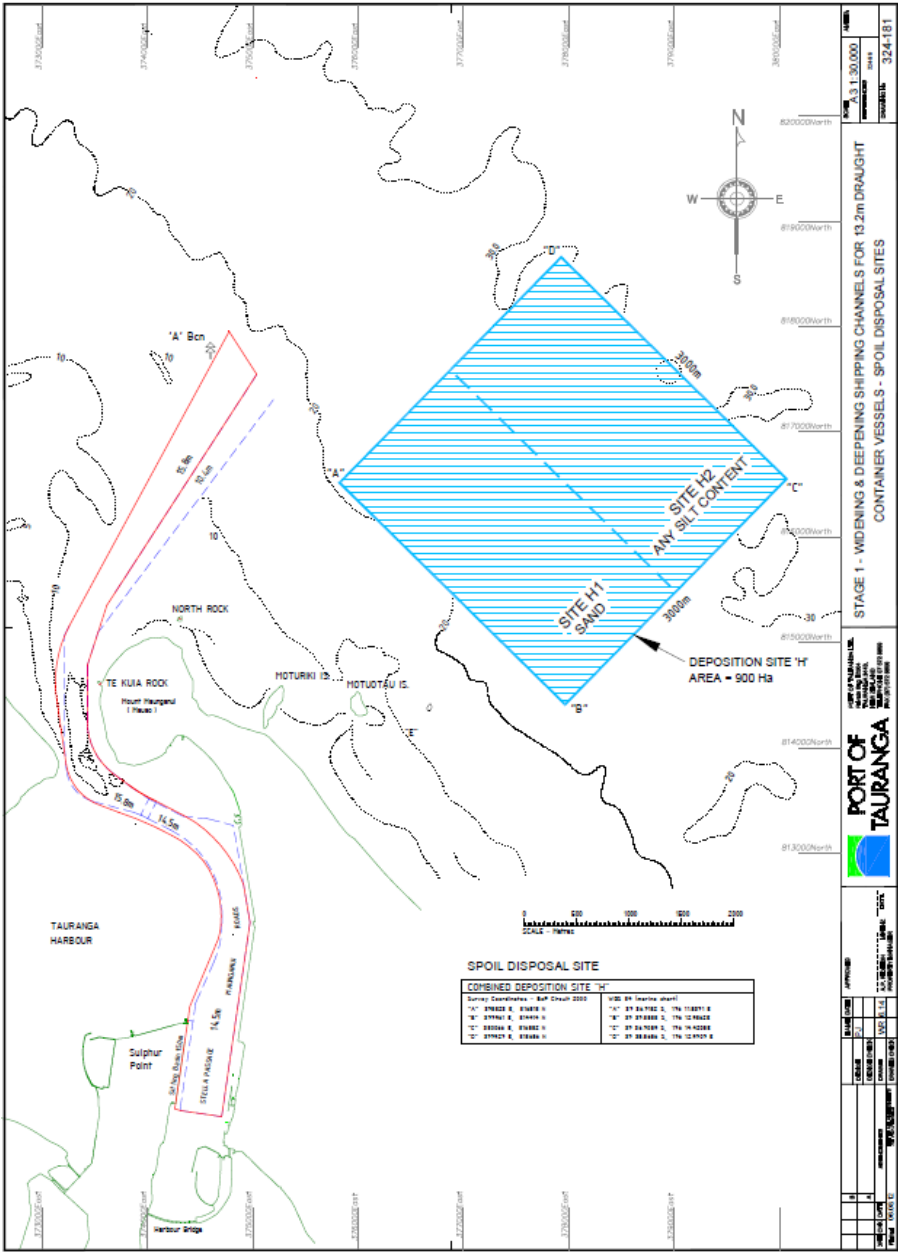


Figure 54: Consented Deposition Sites.



Table 15 below confirm that there is ample consented volume available in deposition sites H1 and H2 (2,527,516 m³) to absorb the 1.5 Mm³ of dredgings volumes that will be yielded from this Project. The bed materials are described in Section 3.7 of this report and are consistent with those provided under resource consents 65806 and 65807.

Table 15 and Table 16 below summarise the consented versus exercised dredging volumes at the existing disposal sites. These illustrate the capacity available at the disposal sites to hold material dredged as part of this Project.

Table 15: Disposal site parameters.

| Activity | Volume (m ³) |
|---|--------------------------|
| Channel Deepening and Widening Resource Consent 65806 Deposition Site H1 & H2 Consented Volume | 15,000,000 |
| Channel Deepening and Widening Resource Consent 65806, 2015 Capital Dredging - Actual Volume Dredged and Deposited in H1 & H2 | 6,024,484 |
| Remaining Volume to be Dredged to Complete Deepening and Widening Authorised under 65806* | 6,448,000 |
| Remaining Capacity in Deposition Site H1 & H2 Authorised Under 65806 | 2,527,516 |

* The predicted future dredged volumes for the remainder of the work authorised under Resource Consent 65806 allows for 0.2 m of over dredge.

Table 16: Deposition reconciliation.

| Activity | Site H1 | Site H2 | |
|--|-----------|------------------|---------|
| | Sand | Silt | Sand |
| Consented Under Resource Consent 65806 | 7,500,000 | 7,500,000 | |
| 2015 Stage 1 Dredging | 2,880,293 | 3,144,191 | |
| Proposed Additional Volume Associated with this Application | | 1,500,000 | |
| Stage 2 Remaining Dredging Volume – Stella Passage | | 732,000 | |
| Stage 2 Remaining Dredging Volume – Maunganui Roads and Cutter Channel South of transition | 1,297,449 | | 984,551 |



| Activity | Site H1 | Site H2 | |
|---|----------------|----------------|------|
| | Sand | Silt | Sand |
| Stage 2 Remaining Dredging Volume – North of Cutter Channel transition and Entrance Channel | 2,934,000 | 500,000 | |
| Remaining Capacity in Deposition Sites | 388,258 | 639,258 | |

800,000m³ of the required dredging is already authorised under resource consent 62690, however that consent expires in 2026. After procuring a resource consent for the Project, POTL would surrender that consent, so all required dredging is confined to a single resource consent.

The dredging methodology is summarised below.

4.4 DREDGING EQUIPMENT SELECTION AND DREDGING METHODS

Dredging is not a new activity for the wider Port environment and Stella Passage. Historical capital and maintenance dredging campaigns in the harbour have been successfully undertaken and the impacts of these activities are well understood.

There is a range of dredging equipment available with varying applications and control measures. The final selection and details of the dredging methodology will be tailored to suit the dredging company engaged to perform the campaign.

POTL expects that a Trailing Suction Hopper Dredge (“**TSHD**”) will do most of the dredging and a Back-Hoe Dredge (“**BHD**”) will be used for localised dredging work.

The dredging methods and components are further described below.

4.4.1 Trailing Suction Hopper Dredge

TSHDs are self-propelled ships that operate via a long suction pipe (trailer arm) with an attached drag-head(s) that trail alongside the vessel, much like the operation of a vacuum cleaner. The hopper for storing the dredged materials is contained in the hull of the vessel. The normal operation of this type of dredge lends itself to covering large areas, motoring along the channels at approximately 2 knots and skimming 100 mm – 300 mm of material in a swathe the width of the drag-head, approximately 2 m – 3 m (Figure 55).

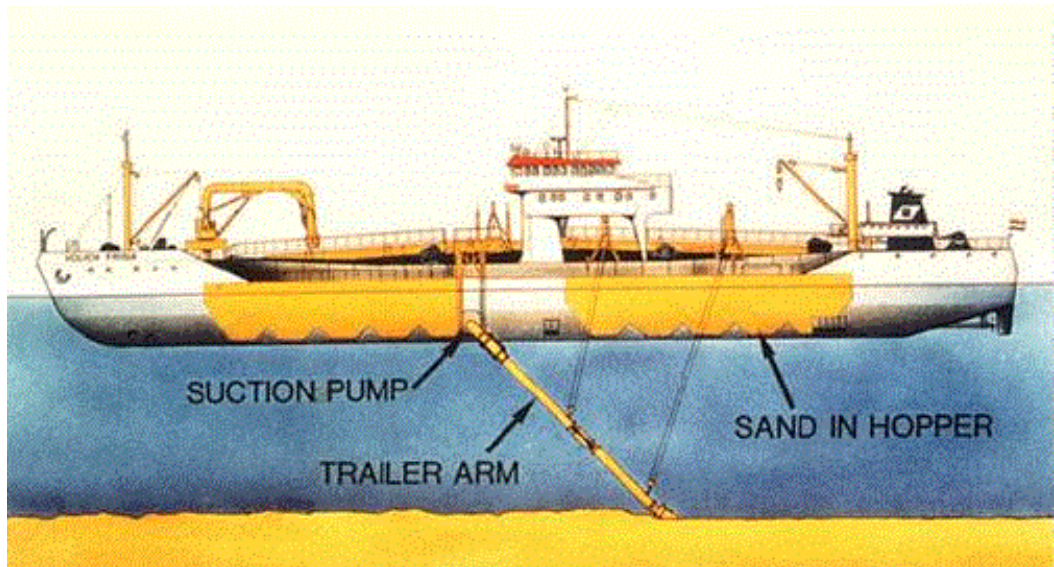


Figure 55: Trailing Suction Hopper Dredge.

The hopper capacity of the TSHD to complete this work will likely be between 1,800 m³ and 6,000 m³. A smaller TSHD would have a loaded draught of 4 m - 6 m, with good manoeuvrability and ideal for shallower locations. An example is the “Albatros”, currently contracted to POTL for maintenance dredging (Figure 56). Equally adequate would be a medium sized TSHD with a 3,000 m³ – 8,000 m³ hopper (Figure 57).



Figure 56: TSHD – Albatros – 1,860 m³ Hopper.





Figure 57: TSHD - Balder R – 6,000 m³ Hopper.

The drag-head attached at the end of the trailing arm is either passive or active. Passive drag-heads use the weight of the drag-head for contact with the seabed and the material being removed by suction into the drag-head, up the suction pipe (trailing arm), through the pump and into the hopper. The entrained material in the flow caused by the pump is transported as a slurry.

Active drag-heads can be fitted with cutting teeth or high-pressure water jets to help excavate or fluidise the material making it easier to suck up the line.



Figure 58: Typical active TSHD Drag-Head (Source: Dredge Yard).

When the hopper is sufficiently full, the dredge will travel to the consented deposition site, which is approximately 10.5 km from the proposed dredged area. The weather tightness of the hopper doors (or hull seals for split hopper vessels) is vital to ensuring material does not leak while transiting from the dredging site to the deposition site.

The vessel will deposit the dredged material in the authorised deposition site in accordance with the current consented practices.

This operation repeats over and over 24 hours 7 days per week. The TSHD only needs to berth for taking on bunkers (refuelling), provisions or maintenance.

Production rates will vary according to the vessel size and the material being dredged. Cycle times of 120 to 150 minutes have been experienced in POTL's previous capital dredging campaigns. The duration of dredging per stage with a small dredge could take approximately 6 months assuming limited overflow.

4.4.1.1 Overflow

Once the dredged material enters the hopper, solids settle out and excess entrained water is decanted from the hopper and discharged from the vessel directly to the sea. This is known as "overflow".

Optimising the dredging cycle requires the vessel to carry as much material and as little water as possible in every load. Therefore, it is preferable to dredge with controlled overflow.

The overflow is controlled by the hopper decanting system and is discharged via an outlet at the bottom of the vessel. If retention time in the hopper is inadequate for the smaller particles (in this case, silt) to settle, some of this can be discharged as dirty water.

Dredging loads can be managed to limit the overflow over controlled periods of time, to maximise the efficiency of material removed while limiting the amount of suspended solids and turbidity. The penalty is that the dredger obtains only a partial load of solids when the hopper is filled to overflowing. This reduces the efficiency and increases the costs of a dredging campaign.

Overflows and the subsequent turbidity can be controlled through a number of measures including:

- > Use of "green valves" to reduce the entrained air at the decant point in the hopper and minimise small fraction-sized particles rising to the surface of the hopper;
- > The use of smaller dredges in shallow water;



- > Dredging (via TSHD) (a) on the incoming tide with no overflow, and (b) on the outgoing tide with limited overflow. This will prevent turbidity from encroaching on sensitive areas upstream; and
- > Stage and the confine the size of the operational dredging area at any one time.

4.4.2 Back-Hoe Dredge

BHDs are used for working close to marine structures, in berth pockets, in tight corners, along toe lines of channels and to break out hard material that resists the TSHD.

The BHD uses a bucket via long reach back-acting diggers or excavator. They are very similar, or the same as track-mounted machines used on land, except that BHDs are barge-mounted (Figure 59 and Figure 60). Similar arrangements, such as grabbing or clamshell type grabs suspended by crane, may also be used.

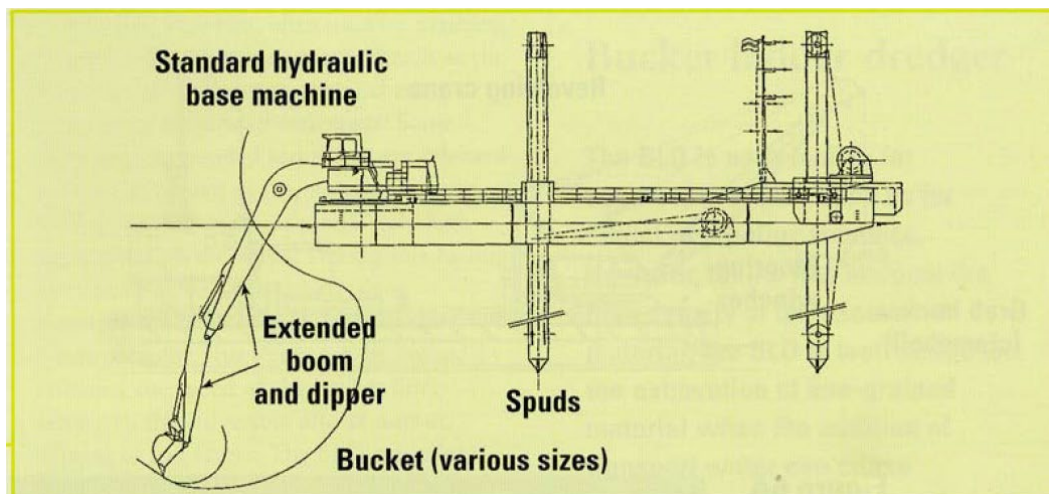


Figure 59: Back-Hoe Dredge (source: IADC).



Figure 60: BHD Gungner R with Barges Bjarke R and Baugi R alongside - Stella Passage 2016.

The BHD is mounted on a barge that stays in position by lowering anchoring devices called “spuds” to the sea floor. The spuds stabilise the BHD for accurate excavation and improved break-out forces. Normally, the spuds can move laterally relative to the barge, enabling the BHD to “walk” small distances by sequencing the raising, lowering and horizontal shifting of the hydraulic spuds. For larger distances, a tug moves the barge. Accompanying the barge and tug are barges for the excavated material to be placed in before being transferred to the deposition ground.

BHD dredging productivity depends on the size of the bucket being used. Typical buckets are from 4 m³ - 11 m³. The barges used are typically of the split hopper variety and generally vary between 500 m³ - 1,000 m³. Generally, BHDs have greatly reduced productivity compared to TSHDs and may only generate two barge sailings per day.

Computer and GPS-based equipment is provided to give information to the operator on bucket location and coverage as the seabed cannot be seen from the surface.

BHD methods are relatively very expensive and slow. They are only used as a last resort to work areas that cannot be accessed by a TSHD or where hard materials (e.g., compacted clays or rock) resist the TSHD.



4.4.3 Levelling Bar

Chasing isolated high spots above the design depth wastes time in manoeuvring the TSHD, as the TSHD is most efficient when bulk loading material into its hopper.

A TSHD drag-head leaves an irregular, furrowed seabed surface. Common dredging practice is to level the dredged surface by dredging the required volume, then using a bar or plough to level the surface cutting off any high spots. The material falls to surrounding lower spots.

Levelling bars are approximately 10 m to 12 m wide, weighted and towed by a tug along the seabed. The tug will typically have a stern mounted A-type frame to aid lowering and raising the levelling bar for tidal fluctuations and when moving to and from the area to be levelled.

4.4.4 Crew Boats and Survey Vessels

In addition to equipment used specifically for dredging, a host of support vessels are required to ensure a successful dredging campaign.

Survey vessels are critical in providing accurate hydrographic information on the seabed. Survey vessels begin work before dredging starts and finish after dredging is completed, to perform a final survey confirming the design depths were obtained. Survey vessels are often around 9 m - 15 m long and can be fast moving when not surveying.

Crew boats transfer crew members and Project staff from shore to the dredging vessels as required. Sometimes the survey vessel will also double as the crew boat.

4.4.5 Weather Conditions

The area to be dredged is sheltered and is not subject to swell except in severe storm conditions with high northerly winds. For this reason, any delays encountered due to climatic and sea state conditions will primarily be due to constraints on transiting to the deposition site. Even small TSHDs and barges associated with the BHD are capable of sailing in moderate seas and will continue to work in swells up to 2 m. Delays due to storms are not expected to be significant with the sea state being below 1.9 m swells 93.7% of the time.

4.4.6 Maintenance Dredging

POTL propose to undertake maintenance dredging, on an as needed basis, to ensure that an operational depth of 16 m below CD is maintained within sitting basins and the shipping channel of Stella Passage.

The materials to be dredged for maintenance are the same as those currently settling out at the transition from the shallower upper harbour to the deeper modified channel. No new



sediment sources are expected; therefore, maintenance dredging volumes are not expected to vary from current yields.

The disposal of maintenance dredgings can occur within the deposition limits of resource consent 65806. This application does not seek resource consent for deposition.

4.5 RECLAMATION AND REVETMENT SLOPE

4.5.1 Reclamation

Reclamation of the coastal marine area is required to tie the existing Port land into the back of the wharves. Timing of the works and suitability of the material will dictate whether the material used in the reclamation is imported fill or material brought ashore from either the dredging of the shipping channel or the formation of the revetment batter slope.

The channel floor was tested in areas known for the highest potential concentration of contaminants. Across all metals examined, the highest concentrations were well below toxicant Default Guideline Values (refer to Section 4.13 of the Assessment of Effects on Marine Ecology (**Appendix 14**)).

Where the material to form the reclamation derives from the formation of the batter slope for the revetment, the activities are described below in Section 4.5.2 (Revetment Slope) of this report.

Where the material to form the reclamation is dewatered material won from dredging activities associated with forming the channel or sitting basins, it will occur as described in Section 4.5.3 (Pump ashore) of this report.

The interface between the reclamation, the wharf and the revetment slope will require a retaining wall sitting atop the revetment. This may be formed from either precast concrete 'L' sections, a deep concrete rear beam attached to the wharf, steel sheet piles or a combination of these items. Figure 61 below (from the 2013 northern extension) shows concrete 'L' sections atop the revetment behind the wharf.





Figure 61: Concrete 'L' sections atop of the revetment behind the wharf.

The surface of the reclamation will be paved in asphalt and will typically rise in a gradient away from the back of the wharf at a 1(V) to 100(H) slope.

4.5.2 Revetment Slope

The constructed wharves will have a finished depth alongside of 16 m below CD and a batter slope of approximately 1.75(H) to 1(V). The final slope of the embankment will be determined by detailed site-specific design, considering multiple serviceability and ultimate load combinations, including the resulting stability during and following an earthquake.

This process will include an evaluation of liquefaction risk and the necessary design considerations based on the findings. The size and centres of piles will have a great bearing on this iterative design process to finalise the slope (as they perform as a pseudo ground improvement), as will the thickness of the rock armouring covering the embankment. The rock armouring will be sized to accommodate the environmental (wave and tide) conditions, and most importantly, the forces exerted by the bow thrusters of ships that will berth at the wharves. The design ship size will be governed by the limits imposed by the consented harbour channel depths. The 2013 northern wharf extension at Sulphur Point used a 1.5 m thick layer of rock armour with a median diameter of 780 mm (ranging from 600 mm to 900 mm). The rock armouring has performed well, with no scour recorded under the wharf.



Shaping of the batter slope will likely use long arm excavators, grabs, sand pumps or a form of suction dredge.

A long arm excavator or grab suspended from a crane may work from temporary staging, a barge or from land. Where temporary staging is used, it is often suspended from piles that will later form part of the structure. The removed material will either be brought ashore if suitable to be placed in the reclamation or deposited in the consented offshore deposition sites. Where material is brought ashore in largely in situ state (excavated by digger or grab) the runoff is relatively minor and will need a containment pond not much larger than the volume of material being incrementally discharged (Figure 62 and Figure 63).



Figure 62: Excavation of batter slope by crane with grab.





Figure 63: Excavation of batter slope by crane with grab and excavator.

Section 4.5.3 (Pump ashore) of this report, discusses practice if the material is brought ashore by sand pumps/other suction equipment that involve greater quantities of water to be separated from the solids.

All material brought ashore will be landed behind the construction site. Any resulting discharge will be contained within the construction site. Discharging the landed material within the footprint of the construction area will minimise any direct discharge to water in the same area, lessening any detrimental effects (turbidity) to the receiving waters. Material will only be moved and stockpiled once sufficiently dry, to minimise further discharges.

Where the dredged sitting basin results in a slope flatter than the design revetment slope, clean aggregate fill will be used to create the required batter slope.

The rock armouring of the batter slope will have a layer of small rocks sized to ensure the sands do not migrate through the batter slope armouring, this will require a highly developed understanding of the pore water pressures and in situ material developed through the geotechnical investigation. Figure 64 shows the layers of rock viewed from the back of the wharf. Geotextile fabric as a base layer can also be used with progressively larger rock sizes placed on top to protect the geotextile prior to the armour rock being placed. Rock armouring is always toed into the base of the sitting basin at a depth to ensure foreseeable deepening will not undermine the wharf/rock revetment and to protect from scour/erosion at the toe of the wharf. This will require excavation deeper than 16 m below CD.



Figure 64: Rock armouring of batter slope viewed from behind the wharf.

The rock will be placed by crane and grab, or long reach excavator operating from staging, a barge or land, prior to the deck being poured or by using a purpose-built barge to float the material under the wharf before releasing the rock after the deck is constructed.

The shaping and formation of the revetment for each berth constructed could be carried out in one continuous work effort, or sequenced where sections are formed before pausing and then moving along to repeat the sequence once the trailing wharf construction activities catch up. The cumulative work is the same, however under one construction technique the discharges will occur less frequently over a longer time.

4.5.3 Pump Ashore

Depending on the amount of material to be removed when the revetment slope is shaped, there may be a need for additional fill to complete the reclamation. TSHDs are commonly used for pump ashore operations which involve the hopper being discharged via pump through a line to shore. If not appropriately controlled, the discharged water can cause elevated turbidity and therefore require ponds to settle out the suspended particles prior to discharging the excess water to the harbour. Previous similar work has shown that the quality of discharge is mitigated and controlled via an appropriately sized settling pond.

Figure 65 and Figure 66 show the pumping ashore of sand in 2019 from the *Albatros* to a bunded area of approximately 100 m by 30 m that acts as a settling pond. It was observed that the sand quickly settles and the small amount of water that does not soak away through the pond base or bund wall stood in a small pond of about 30 m by 30 m (by 1 m deep) at the lower end of the pond (Figure 65 and Figure 66 below). The ponded water can be managed by installing pond outlet pipes at a height that encourages soakage and enables the smaller fraction sized particles to settle before discharging. Filter screens and floating booms will be used if necessary to limit turbidity caused by water discharged from the pump ashore operations.



Figure 65: Pump-ashore from the Albatros, 2019.



Figure 66: Pump-ashore from the Albatros, 2019.

It is proposed that the contractor's method statement be submitted to the Regional Council for certification before dewatering work commences if the use of a sand pump or other suction dredge is to bring sand ashore while forming the batter slope. This statement will stipulate the size of the settling ponds and the method of discharge to the harbour, and the methodology as to how total suspended solid limits will be met.

The materials excavated and brought ashore will be similar to those previously dredged from the channels. Therefore, the turbidity controls will mirror those used successfully in previous consented dredging campaigns. Dewatering of the material brought ashore will limit increases in turbidity to less than 15 NTU above background levels beyond 250 m from the construction site, with background levels being measured 500 m upstream from the construction site.

As with the material brought ashore when forming the batter slope, all material brought ashore to form the reclamation will be landed behind the construction site to contain any resulting discharge within the reclamation footprint. This will result in any discharge occurring in the same area being modified, reducing adverse effects on the receiving environment. Material will only be moved and stockpiled when dry, to minimise further discharges.



4.6 WHARVES

Following the completion of the reclamation, the wharf designs will be completed in accordance with applicable national and international codes of practice. The proposed wharf structures and reclamations will be similar in their structural form to the existing wharves. The construction methods will be similar to the proven, successful methods that POTL has used in the past.

4.6.1 Location and Dimensions

Figure 67 and Figure 68 show the locations of the proposed wharf extensions. The alignment, height and appearance of the wharf structures will generally replicate the existing wharves. The cross-section plans of the 2013 northern extension at Sulphur Point (Figure 67), Berth 11 of the Mount Maunganui Wharves (Figure 68) and the tanker berth (Figure 69) show the general details that will be comparable to the proposed structures.

The front of the wharves will be approximately 4.45 m and 4.56 m RL (Reduced Level) with respect to CD for the Mount Wharves and Sulphur Point Wharves respectively.

The wharves are extensions to existing infrastructure and must provide a continuous height along the wharf deck. It is not practical to have a step in the wharf, as it would fundamentally disrupt cargo handling. Ship-to-shore cranes cannot tolerate transitions between flat and sloping sections of rail track, while ship-side cargo handling equipment (e.g., trucks and forklifts) run along the wharves.

Sea level rise projections by the Ministry for the Environment to the year 2100 are from 0.46 m to 1.05 m. With the current wharves at 2.55 m above current MHWS (with MHWS being 1.9 m to CD) considerable freeboard remains before operations will be impacted. If sea level rise 100 years from now is significantly more than projected, POTL could pour a new slab on the existing infrastructure to raise the wharf decks.

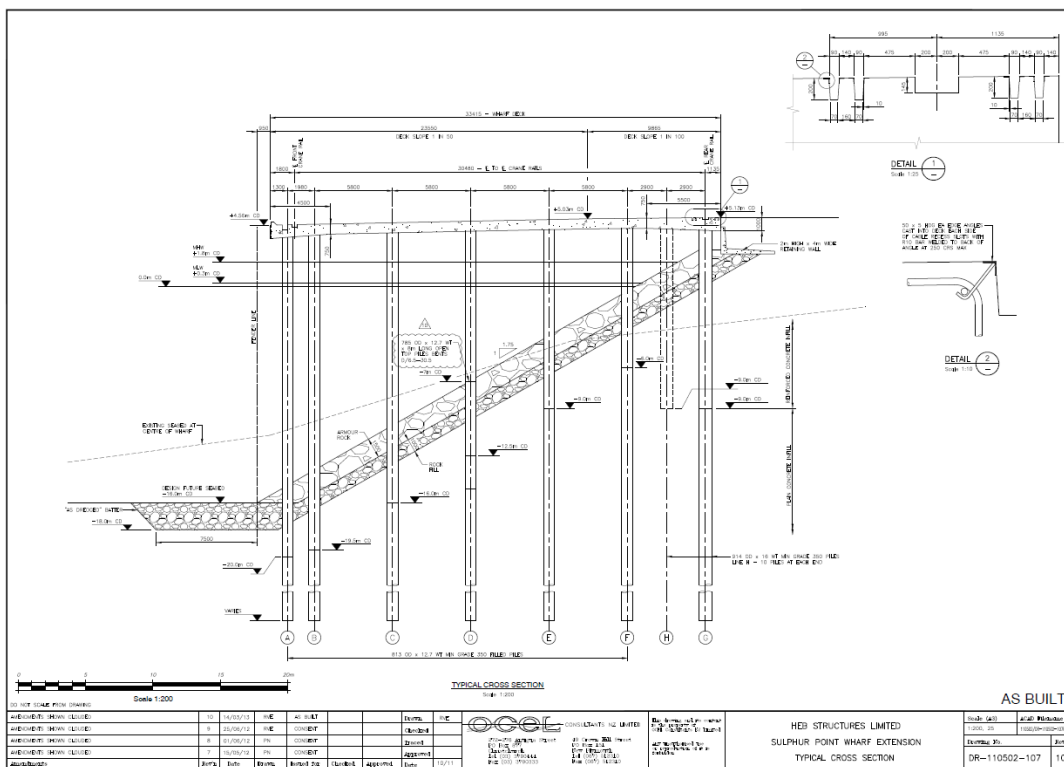


Figure 67: 2013 Sulphur Point Northern Extension Cross Section.

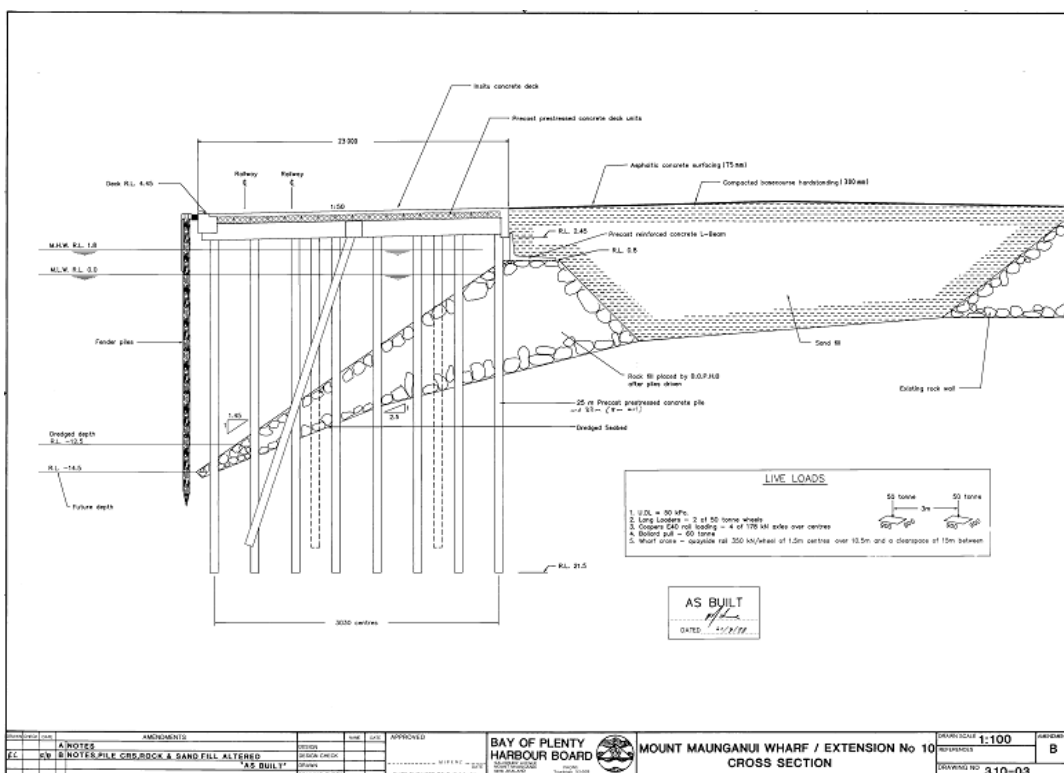


Figure 68: Berth 11 Mount Maunganui Cross Section.

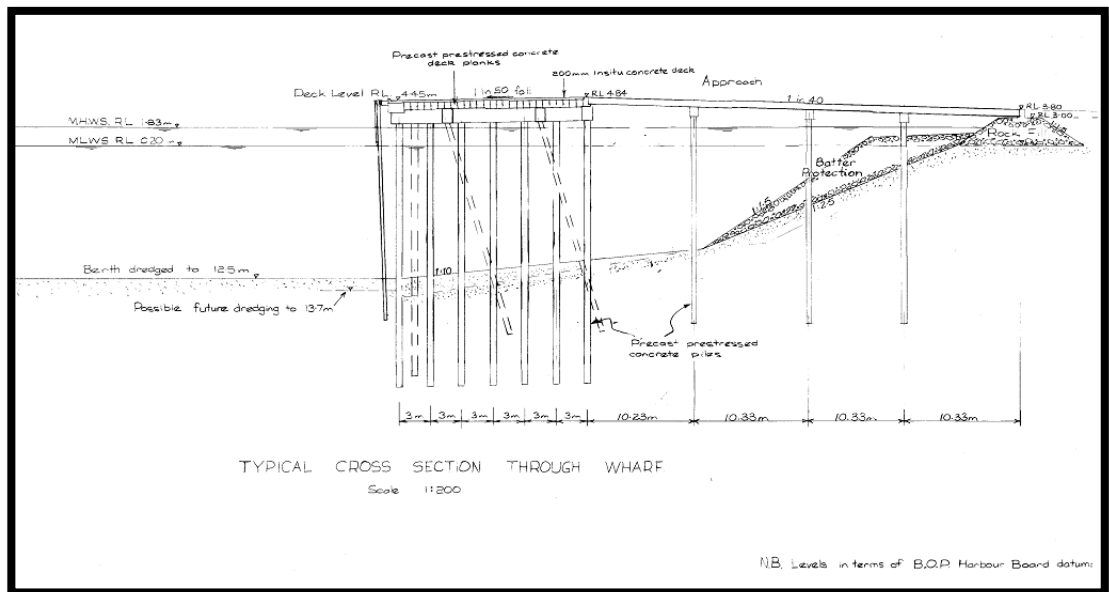


Figure 69: Cement/Tanker Berth Mount Maunganui Cross Section.

4.6.2 Wharf Structure

The general structural arrangement of the proposed wharf extensions will be similar to that used for the Sulphur Point northern extension in 2013 (Figure 67). That design exemplifies the type of structural form engineers and contractors are combining to produce earthquake-resistant designs through modern construction techniques. The design will comply with the Building Act 2004, relevant New Zealand and international technical loadings and material standards and codes of compliance of the day.

Most wharf structures at the Port were constructed using driven pre-stressed concrete piles and pre-stressed deck planks, with cast in situ pile caps, deck and front beam. More recently, with technological advances in formwork and the reduced cost of large diameter steel tubes, wharf construction has shifted to driven steel tubes topped with cast in situ reinforced concrete decks. This is what is proposed for the wharf extensions.

4.6.3 Construction Sequence

Construction time for each wharf extension depends on the length, as construction is repetitive, typically starting from one end and constructing 20 m-long sections along the wharf. Physical works for the 170 m-long Sulphur Point northern extension completed in 2013 took approximately 12 months. A summary of the construction sequence is below, which will be replicated to the extent practicable for the proposed works.

- > Contractor establishes on site;

- > Dredge/excavate/form the revetment slope;
- > Construct temporary staging platform for cranes;
- > Perform piling works;
- > Place rock armour on revetment slope;
- > Formwork for deck suspended off piles;
- > Concrete deck formed;
- > Rear retaining walls panels installed;
- > Backfill behind retaining wall panels to form reclamation;
- > Install wharf furniture; and
- > Ground improvements if required.

4.6.4 Site Access, Parking and Construction Laydown Area

Site access will be from the existing Port access points along a defined route from the gate to the construction site. Contractor parking will be in the laydown area or an alternate area defined within the Port. The contractor's construction laydown area will be established adjacent to the work site and fenced off to separate contractor activity from ongoing Port operations.

4.6.5 Pile Driving

Approximately eight piles, either pre-stressed concrete or steel tubes, will be required every 5 m to 6 m of berth length to support the wharf deck. The pile diameters will be similar to those used in the 2013 extension, i.e., from 785 mm to 914 mm in diameter.

The most landward row of piles are relatively stiffer, attracting more of the horizontal load. Therefore, additional piles are often required. Ship-to-shore cranes often impose greater loads on the pile rows which can also necessitate additional piles in these pile rows. The final number of piles will be confirmed through the detailed design phase.

Steel piles, driven into the seabed, are the preferred approach due to the enhanced load-carrying capacity, in comparison to pre-stressed concrete piles jettied into the seabed. Steel driven piles provide added skin friction and therefore better load carrying characteristics.

While subject to confirmation from the contractor, the likely method of pile installation would involve large crawler cranes working from a temporary platform. The pile-driving process begins by lifting a pile it into vertical position with the crane. The pile is then lowered



into position inside a floating pile frame, set in place at the seabed and held in the proper position and alignment during driving (Figure 70 below).



Figure 70: Pile driving operations at Sulphur Point in 2012.

Driving of the piles is achieved by impact from a falling weight. Impact hammers have guides that hold the hammer in alignment with the pile while a heavy piston strikes the top of the pile, driving the pile into the substrate from the downward force of the hammer.

Piles are driven approximately 30 m deep into the ground until the design end bearing resistance and penetration depth for pinning action is achieved. At Sulphur Point, piles are driven into underlying dense sand layers. The natural variability in suitable geological material means driving depths can vary.

Depending on the required final finished depth, it may be necessary to weld an extension to the steel pipe during the pile driving process.

The steel tubular piles are tested for integrity once founded and the final stage is the insertion of a steel reinforcing cage and filling the pile with concrete. The reinforcing cage is tied on land then lifted and lowered into the pile by crane (Figure 71).



Figure 71: Reinforcing cage for steel pile.

The concrete is then poured into the pile via a concrete pump, typically using a tremie pipe that ensures the integrity of the concrete matrix.

At the Port, the design philosophy has been for the outer steel tube to be sacrificial in the corrosion zones. The tubes ultimately just provide further protection of the reinforced concrete from chloride attack from seawater.

4.6.6 Timber Piles

Treated timber piles suitable for the marine environment with a diameter of approximately 500mm will be driven in to the upper sand layers approximately 3m to support the penguin ramp. The piles will be driven by a 1 ton weight suspended from a crane on a barge. Such timber piles and driving technique are commonly used in the area for mooring small vessels, navigational aids and fendering along the mount wharves.

4.6.7 Reinforced Concrete Deck

The proposed wharf extensions will install a deck up to 1 m thick and 33.5 m wide, with localised thickening of the slab beneath the front and rear container crane rails, similar to the 2013 Sulphur Point wharf extension.

Once several pile bents (line of piles) are completed, the deck soffit formwork and reinforced steel (Figure 72). can be installed for the deck and is typically suspended temporarily from the piles. After installation of the reinforcing steel the concrete deck slab is poured, using a concrete pump. When the deck slab has cured the new deck will become the staging area for the successive pile and deck construction. The formwork will be released from the piles, lowered on to a barge and floated out, and used for the next section of deck construction.



Figure 72: Deck formwork suspended off piles with reinforcing steel being placed.

4.6.8 Fendering

Fendering is the most seaward part of a wharf structure. It allows a vessel to land alongside a rigid structure by absorbing impact. Fendering is often the most visible section of a wharf when viewed from the harbour.

Existing fendering along the Mount Maunganui wharves is continuous and exists of timber piles at about 2.5m centres with continuous timber beams between the piles. Rubber “buffers” are positioned between the continuous timber beams and the concrete wharf (Figure 73).





Figure 73: Fendering on the Mount Maunganui Wharves.

The 2013 Sulphur Point wharf extension has discrete (discontinuous) fender panels. The discrete panels are fabricated from steel and mounted on the wharf using rubber cones. The rubber cones are fixed to precast concrete panels on the outer wharf edge (Figure 74).

Fendering on the proposed extensions will likely mix both of the above styles.





Figure 74: Fendering on the 2013 Sulphur Point extension.

4.6.9 Services

Existing services along the front of the wharves will be incorporated into the new structures, including ship power, telephone, water hydrants and bunker fuel lines. Provision will be much the same as provided now, either in a service trench cast into the deck or slung under the wharf with access points provided through the deck.

Operational needs require the deck to follow the same gradient as the existing wharf decks, towards the sea. However, unlike the existing wharves, runoff from the wharf deck will report to penetrations through the deck and be piped under, or in the deck, to a treatment unit before discharging to the harbour through consented outfalls.

The stormwater treatment units will be like those already deployed, which intercept gross pollutants. Depending on the location of a treatment unit it may be serviced through a lid set into the deck that can be removed to remove collected pollutants.

Some existing stormwater outfalls will need to be extended to accommodate the proposed development, i.e. to discharge beyond the new reclamation extents. This will involve an extension of the pipes through the reclamation and incorporation into the rear of the wharf. This scenario is common along the existing wharves. The outfalls will be generally the same

size and dimension as the existing outfalls and will have rock riprap scour protection as per the existing situation.

The affected stormwater outfalls are a combination of Port-only, combined City Council and Port, and City Council-only discharges. The following City Council identification numbers identify the affected pipes: TCC ID76132, TCC ID76131, TCC ID1687, TCC ID1686, TCC ID1551, TCC ID8214x3, TCC ID1301, TCC ID1298 and TCC ID?SP (*sic*).

The consents authorising these discharges may require variations to reference the new coordinates of the outfall locations. As required, applications pursuant to section 127 of the RMA will be made to reconcile the matter, separately to this application under the FTA.

4.6.10 Seismic Separation

Interactions between the new and old wharf structures during an earthquake will be addressed by providing a gap between the structures. The gap will have a steel cover plate allowing traffic to run over the gap.

The gap also serves as an expansion/contraction joint in limiting stresses transferred to the piles through the expansion and contraction associated with longitudinal thermal movement and concrete shrinkage.

4.6.11 Ground Improvements

As the Port infrastructure has regional and national significance and is a lifeline utility under the Civil Defence and Emergency Management Act 2002, it is important to design the wharves to withstand natural hazards.

POTL will undertake a detailed seismic design for the works, considering the interaction between the land directly behind the wharf and the wharf structure. Ground improvements to weaker sand layers at depth, upper layers and the reclamation fill may be necessary to address natural hazard matters. While subject to confirmation in the detailed design phase, ground improvements may include:

- > Cutter Soil Mixing (“**CSM**”) – A specialised for deep mixing technique that enhances the engineering properties of soils and reinforces soil masses by mechanically mixing the in-situ soils with a binder slurry. CSM creates strengthened and stiffened soilcrete panels that are not susceptible to liquefaction, reducing the load on the wharf during an earthquake;
- > Vibro compaction – Involves penetrating the existing ground materials with a probe, assisted by air or water jets. The probe then vibrates and compacts material as it is



gradually withdrawn. The process densifies the soil column, with any surface depression filled afterward; and

- > Stone columns - created by inserting a vibrating probe into the ground, displacing soil, and filling the cavity with stone from a hopper. As the probe is raised and reinserted, the stone is compacted, strengthening and stabilizing the surrounding soil.

The necessity for ground improvements will be driven by the final design and whether it is more economic to improve the ground or provide additional strength in the structure. Any ground improvements will be designed in accordance with the relevant design standards.

4.6.12 Seawall Modification

The existing seawalls on the edge of the harbour where development is proposed consist of reclaimed sand faced with rock riprap for scour and erosion protection. Where these seawalls exist behind a proposed wharf they will be covered by the reclamation behind the wharf.

As the wharf construction will be carried out in stages, new seawalls will be required to tie the extent of any extension back to the existing seawall. Historically, the construction of these seawalls have been a mixture of sheet piles, concrete 'L' retaining wall sections and rock armoured seawalls.

Figure 75 below shows the extent of the Sulphur Point reclamations as the Mean High Water interface with the seawall. Therefore, when constructing seawalls there is disturbance beyond the legal line of reclamation to found the seawall on the seabed. Modern seawalls consisting solely of rock armouring would be constructed with a slope of 1(V) to 1.75(H). With the current water depths along the proposed line of reclamation ranging up to 4 m below CD, the toe would extend up to 10 m beyond the reclamation line. Figure 75 below depicts the extent of a seawall to retain the proposed reclamation and end of wharf revetment.

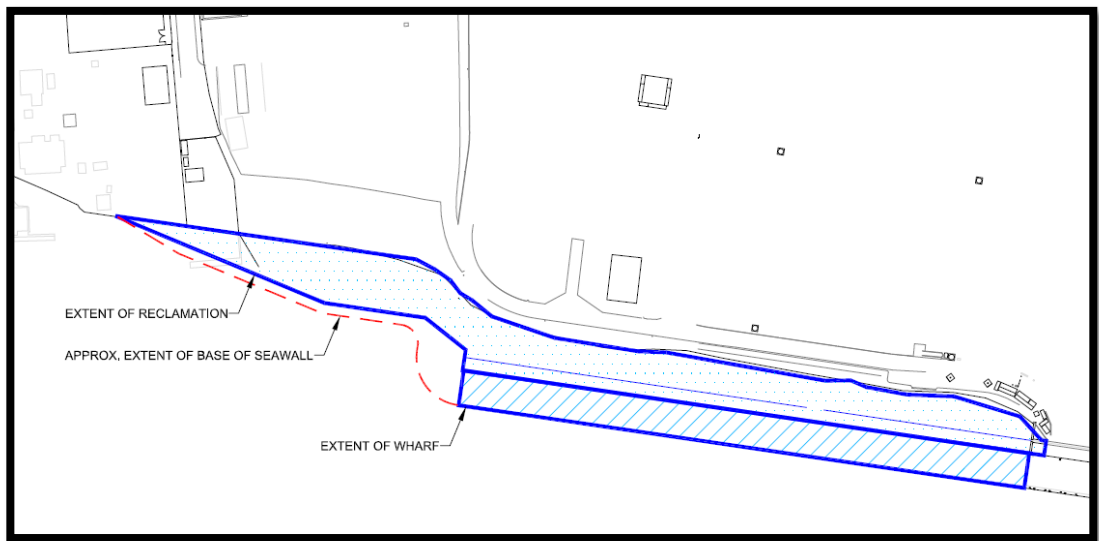


Figure 75: Approximate base of seawall and revetment outside the reclamation and wharf.

4.6.13 Sitting Basin

The sitting basin is the location where a vessel resides alongside the wharf. The sitting basin will be dredged as part of the extension to the shipping channel.

At the Mount Maunganui wharves, dredging of the sitting basin for the 315 m wharf extension and dolphins between Berths 11 and the tanker berth is already authorised, by resource consents 65806 and 65807.

4.6.14 Geotechnical Investigations

Before the design and subsequent construction of the wharves, geotechnical investigations are required to characterise the materials and find the appropriate hard layers to bed the piles in.

Geotechnical investigations are typically done over water on a jack-up barge, which will carry the testing equipment. The jack-up barge in general operates the same as the barge for the BHD. Typical investigations require drilling boreholes using casings and environmentally acceptable drill fluid. The drill cuttings and fluid are recycled in a closed circuit system between the drill rods, casing rods and wash tanks preventing the loss of fluids into the harbour. The cores are recovered and examined for their properties through lab testing to inform the design process. Other infield tests such as Standard Penetration Tests, push tubes, Shear Vane Test and Cone Penetration Testing (which involves a different testing rig) will also be undertaken.

Geotechnical investigations for the area to be dredged and the Sulphur Point wharf extension have already been performed under consent RM18-0393-CC.01. Investigations for the proposed Mount Maunganui wharves will need to be completed in due course.

4.7 MINOR WORKS

Other minor works in the region south of the tanker berth on the Mt Maunganui wharves will be undertaken to construct the bunker barge jetty. This will require relocation of existing minor jetties and boat ramp structures (Figure 46).

Construction and relocation of the minor structures will be undertaken in similar fashion to the main wharf construction.

4.8 CONSTRUCTION NOISE GENERATION

Marshall Day Limited (**Marshall Day**) has assessed potential construction noise levels, with a focus on Whareroa Marae, which is the only nearby sensitive noise receiver (**Appendix 16**).

Marshall Day's assessment, which has been summarised in the sub-sections below, predominantly focuses on the loudest activities - pile driving and dredging activities, as other construction activities are well below the applicable noise levels.

4.8.1 Pile Driving Activities

For the pile driving activities, the Marshall Day assessment proposes the following temporary construction noise levels.

- > Bunker barge piling at Butters Landing:
- > With impact driven steel piles – up to 58 dB L_{Aeq} received at the closest dwelling at Whareroa Marae (Figure 76);
- > With vibro driven steel piles – less than 50 dB L_{Aeq} received at the closest dwelling at Whareroa Marae;
- > Penguin Ramp piling (impact driven timber piles) – less than 50 dB L_{Aeq} received at the closest dwelling at Whareroa Marae;
- > Sulphur Point piling (impact driven steel piles) – up to 57 dB L_{Aeq} received at the closest dwelling at Whareroa Marae (Figure 77).
- > Timber piles will be used for the piles closest to Whareroa Marae that are associated with the penguin ramp.

While specific timing is subject to confirmation by the contractor, pile driving activities will only occur during daytime construction hours being:

- > Monday to Friday 7.30am to 8.00pm; and
- > Saturday 9.00am to 7.00pm.

No piling will be undertaken during evening or night-time hours.

As assessed in 5.1.3.1, the pile driving activities will comply with the daytime noise limits described in the Construction Noise Standard *NZS 6803:1999 Acoustics – Construction* (“**NZS 6803**”) as well as the levels specified in rule PZ 1 of the RCEP.

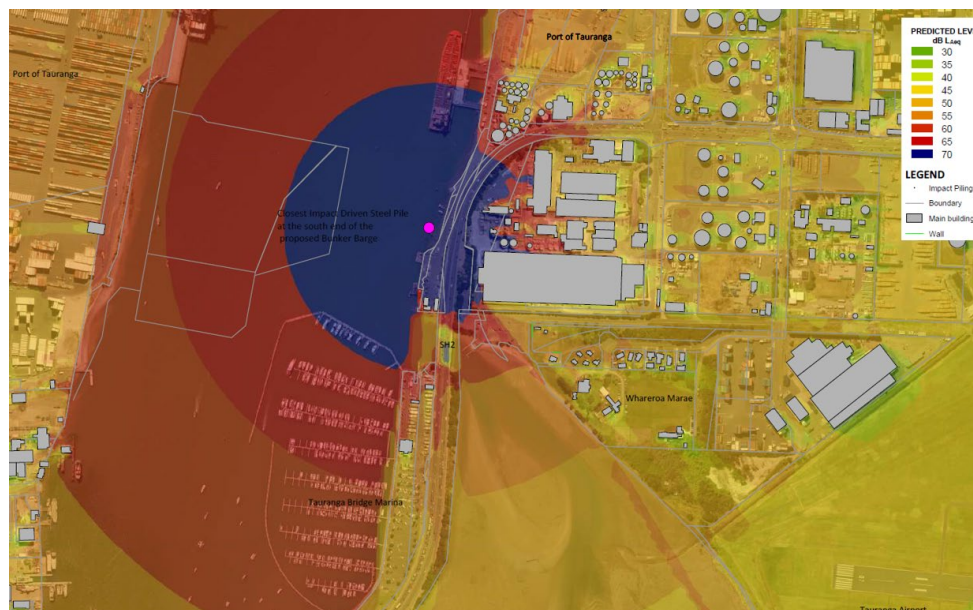


Figure 76: Noise modelling for Bunker Barge Piling (impact driven steel piles).

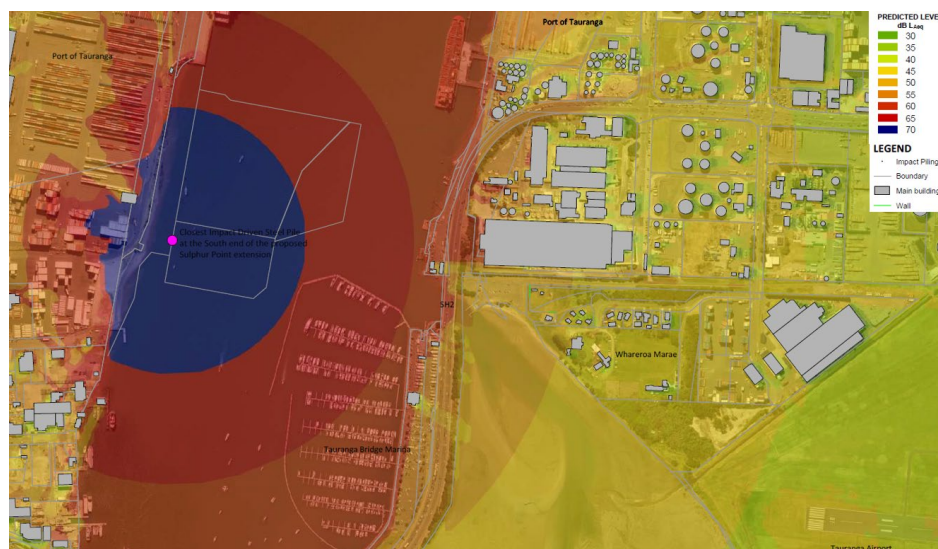


Figure 77: Noise modelling for Sulphur Point Piling (impact driven steel piling).

4.8.2 Dredging Activities

Dredging activities can operate 24 hours per day. Modelled noise levels associated with dredging are below.

- > BHD dredging – between 30 – 45 dB LAeq at Whareroa Marae (Figure 78); and
- > TSHD dredging – between 35- 45 dB LAeq at Whareroa Marae (Figure 79).

The exception to these levels is an exceedance of up to two decibels at one dwelling within the property at 27 Taiaho Place (Whareroa Marae). This exceedance is of the construction noise limits specified in NZS 6803, not the noise limits specified in rule PZ 1 of the RCEP (and therefore does not trigger a resource consent requirement under rule PZ 1).

The exceedance will only arise if dredging is carried out at night-time within a particular portion of the dredging footprint. This potential effect is discussed in Section 6.12 of this report.

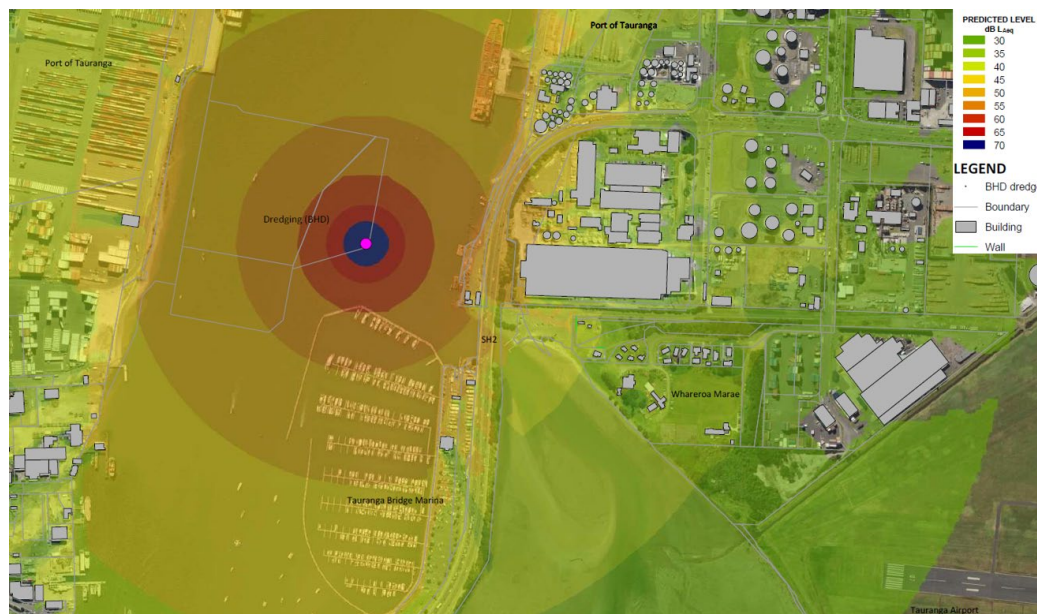


Figure 78: Noise modelling for BHD Dredging.

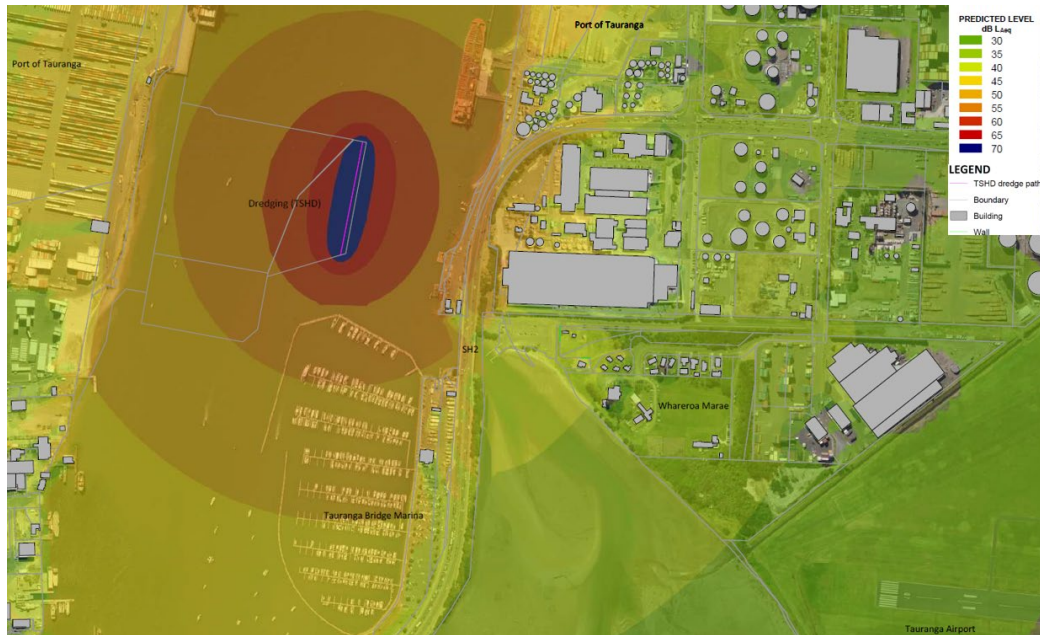


Figure 79: Noise modelling for TSHD Dredging.

4.9 CRANES

The proposed cranes are shown on Figure 47 – Figure 50 earlier in this section. They are required for moving shipping containers between ships and the shore, and vice versa, at Sulphur Point. They will be a similar design to the existing cranes, the most recent of which were consented in late 2023. The cranes will be constructed on land and moved onto rails at their final locations on the wharf.

The cranes will arrive in parts by sea. The components will be discharged across the wharf, like any other cargo, to an erection area in POTL's landholding behind the wharf. Locating the cranes away from the wharf while under erection avoids the works impacting regular Port operations.

Erection of the cranes involves land based crawler and mobile cranes typically used in construction. While in the erection area each crane has power supplied to it for testing and commissioning

Once erected, each crane is moved by skids to the wharf face. When in position, cranes are raised on jacks and lowered on to the crane rails on the wharf. A period of further commissioning on the berth ensues and the final certification process from an independent expert is undertaken before the cranes will commence operation.

The environment in which the above works will occur comprises the asphalted area behind the wharf, and the flat concrete wharf itself.

5. APPROVAL REQUIREMENTS

Based on the information in Section 4 of this report, POTL is applying under section 42(4) of the FTA for resource consents under the RMA and a wildlife approval under the Wildlife Act.

The resource consent requirements under the RCEP and TCP are discussed first, followed by the approval requirements that apply under the Wildlife Act.

5.1 RESOURCE MANAGEMENT ACT 1991

5.1.1 Relationship with Existing Consents

Clause 5(1)(f) of Schedule 5 of the FTA requires a substantive application to include a description of other resources for the Project to which the application relates.

In relation this FTA application and the Project site, confirmation under clause 5(1)(l) of Schedule 5 of the FTA confirms that:

- > As provided by the City Council on 28 March 2025, there are currently no resource consents held by POTL and/or administered by Tauranga City Council to which sections 124C(1)(c) or 165ZI of the Resource Management Act 1991 apply; and
- > As provided by the Regional Council on 12 March 2025, all existing consents to which 124C(1)(c) or 165ZI of the RMA would apply are consents held by POTL

5.1.2 Required Approvals

The Project does not involve any activities that would be prohibited under the RMA.

As required by clause 5(3)(a) and (b) of Schedule 5 to the FTA, a detailed assessment of the approvals required under the RMA, and a detailed analysis of the applicable rules (including identification of those activities which are permitted activities in the relevant plans) is set out below.

5.1.3 Bay of Plenty Regional Coastal Environment Plan 2019

As set out in Section 3.6.1 of this report, the Outline Development Plan at Schedule 9 of the RCEP gives a spatial overview of the Port expansion/developments that are expressly anticipated, at drawings 270-65, 270-27 and 270-68 (Figure 32-Figure 34 above).

Additionally, the RCEP defines the Port Noise Control boundaries which are shown in Figure 80 below.





Figure 80: RCEP Map 11C Port Noise Control Boundaries (Regional Council GIS).

A comparison of the Project (Figure 16) to the development outcomes anticipated by the Outline Development Plan (Figure 32, Figure 33 and Figure 34) confirms that the Project's scope is substantially less than the development anticipated by the Outline Development Plan.

The table below details the differences between the scope of the Project as applied for, versus the development anticipated by the Outline Development Plan.

Table 17: Outline Development Plan and Project scope comparison.

| Project Element | ODP Scope | Project Scope | Differences |
|----------------------------------|-------------------|---------------------|-------------------------------|
| Sulphur Point Wharf Extensions | 385 m | 385 m | Nil |
| Sulphur Point Reclamation | 1.81 ha | 1.81 ha | Nil |
| Mount Maunganui Wharf Extensions | 918 m | 315 m | 603 m reduction |
| Mount Maunganui Reclamation | 2.9 ha | 1.77 ha | 1.13 ha reduction |
| Dredging | 16.6 ha | 10.55 ha | 6.05 ha reduction |
| | 2 Mm ³ | 1.5 Mm ³ | 0.5 Mm ³ reduction |

The Project demonstrates substantial reductions to the dredging and extent of the Mount Maunganui wharf components when compared to the scale of development anticipated by the Outline Development Plan.

5.1.3.1 RCEP Rule Assessment

The Project includes several activities which trigger resource consent requirements under the RCEP. While the Port is seeking all necessary resource consents, the key activities include:

- > Construction noise;
- > Wharf cranes;
- > Port structures;
- > Specified dredging; and
- > Specified reclamations.

Given the proposed activities will be undertaken in the CMA, the Project does not require any assessment against any of the other Regional Council regional planning documents.

For completeness, it is noted that the air discharges from normal shipping operations are expressly permitted by Regulation 15 of the Marine Pollution Regulations, below:

Any person may discharge, in the coastal marine area, a contaminant that is incidental to, or derived from, or generated during, the operations listed in Schedule 4 as the



normal operations of a ship or offshore installation, except a contaminant that is garbage and for which no exception is provided in regulation 13A.

As such, while Regulation 17 of the NESAQ restricts the grant of consent for new discharges of PM₁₀ in a polluted airshed, that regulation is irrelevant, because discharges from normal shipping operations are expressly authorised by the Marine Pollution Regulations.

Consequently, no resource consent is required under the RCEP for air discharges associated with shipping operations at the Port and Section 3.3 of the RCEP reiterates the exemptions specified by the Marine Pollution Regulations.

Table 18 assesses the above elements against the applicable RCEP rules.

Table 18: RCEP rule assessment.

| Rule | Assessment | Status |
|---|---|-----------|
| <p>PZ 1 Noise from activities in the Port Zone</p> <p>The emission of noise from activities in the coastal marine area of the Port Zone is a permitted activity, subject to the noise not exceeding the following conditions:</p> <ul style="list-style-type: none"> • The long-term average sound level (“L_{dn}”) from all activities within the Port Zone shall not exceed 55 dBA at any point outside the 55 dBA noise control boundary (shown on Map Sheet 11c) nor 65 dBA at any point outside the 65 dBA noise control boundary; • No single 15-minute sound measurement level shall exceed 65 dBA L_{eq} between 2200 and 0700 at any point outside the 65 dBA noise control boundary; • The night-time maximum sound level (L_{max}) shall not exceed 85 dBA at any point outside of the 65 dBA noise control boundary; • Sound levels shall be measured in accordance with <i>NZS 6801:2008</i> | <p>Standard NZS 6809:1999 referred to in PZ 1(d) applies to noise from operational activities at ports. Clause 1.6 of that standard precludes construction noise and defers to NZS 6803 for construction noise at ports. Consequently, the 55 dBA L_{dn} limit stated in rule PZ 1(a) is inapplicable, given it relates to L_{dn} and not construction noise.</p> <p>Daytime: Pile driving and dredging noise received at Whareroa Marae is predicted to easily comply with the daytime construction noise limit of 70 dB LA_{eq} specified in NZS 6803.</p> <p>Night-time: Pile driving will not occur during night-time hours. Dredging noise is predicted to comply with the 45 dB LA_{eq} night-time limit in NZS 6803. Small exceptions would occur when dredging occurs at night-time in a particular part of the dredging footprint (shown in Figure 2 of the Construction Noise Assessment at Appendix 16):</p> <p>BHD dredging noise levels are predicted to be up to 46 dB LA_{eq} at 27 Taiaho Place; and</p> | Permitted |



| Rule | Assessment | Status |
|--|--|---|
| <p><i>Acoustics - Measurement of Sound</i> and assessed in accordance with <i>NZS6809:1999 Acoustics – Port Noise Management and Land Use Planning</i>.</p> | <p>TSHD dredging up to 47 dB LA_{eq} at the most exposed façade of the dwelling at 27 Taiaho Place.</p> <p>Notwithstanding these very small potential exceedances of the night-time construction noise limit in NZS6803, construction noise levels will be well below the night-time port noise limits specified in rule PZ 1(b) and (c).</p> | |
| <p>PZ 4 Wharf Cranes</p> <p>The erection, reconstruction, placement, alteration or extension of any wharf crane on the existing Sulphur Point Wharf, a portion of the proposed Sulphur Point Extension South (being 286 metres south of the existing Sulphur Point Wharf), and the Mt Maunganui Wharves north of the southern end of Berth 11 is a permitted activity, provided that:</p> <ul style="list-style-type: none"> • The crane or any alteration or extension to it does not exceed 100 metres (Moturiki datum) at any time; and • All requirements of the Civil Aviation Authority, including approval under Rule 77 of the Civil Aviation Rules, and requirements of the Tauranga Airport are met; <p>For any port cranes on the Sulphur Point Wharves in the area between 122 and 286 metres south of the existing Sulphur Point Wharves, it can be demonstrated that the navigational equipment at the Tauranga Airport has been upgraded sufficient to meet the requirements of the Civil Aviation Authority and the Tauranga Airport.</p> | <p>Four cranes are proposed to be established on the Sulphur Point wharf extension as shown in Figure 47-Figure 50.</p> <p>Two cranes will exceed the 100 m height limit set out in clause (a).</p> <p>Two cranes will be below the height limit, but their range will encroach beyond 286 m south of the existing Sulphur Point wharves. These will not comply with the locational criterion specified in the chapeau of the rule.</p> <p>The proposed cranes therefore do not comply with this rule.</p> <p>Rather, they will be a restricted discretionary activity under rule PZ 9 (Restricted discretionary – cranes exceeding the permitted height or location).</p> | <p>Restricted discretionary (see rule PZ 9)</p> |

| Rule | Assessment | Status |
|---|--|------------|
| <p>PZ 5 Maintenance Dredging</p> <p>Any discharge and disturbance (including removal of sand, shingle, shell, or other natural material) of, the foreshore or seabed associated with maintenance dredging is a controlled activity.</p> <p>The Regional Council has reserved its control over the following matters:</p> <ul style="list-style-type: none"> (a) The area, quantity, location and timing of disturbance and discharge. (b) Effects on the hydrodynamic and geomorphic regime of the harbour and open coastline, including maintenance of beaches and related sediment transport processes. (c) Effects on fisheries, indigenous biodiversity and ecosystems. (d) The release and spread of harmful aquatic organisms. (e) Coastal water quality including the provisions of Section 3 – Coastal Discharges and Schedule 13 to this Plan. (f) Effects on other harbour users, navigation and public safety during dredging. (g) Site specific historical or cultural values under ss 6(e) or 7(a) of the RMA. (h) The review of conditions and the timing and purpose of that review. (i) The amount and type of any financial contribution. (j) Compliance monitoring. <p>Applications for activities under this rule shall be considered without public notification unless special circumstances exist.</p> | <p>Maintenance dredging is proposed on an as needed basis to ensure an operational depth of 16 m below CD is maintained within the sitting basin and shipping channel of Stella Passage.</p> <p>Consequently, maintenance dredging activities require consent under this rule.</p> | Controlled |



| Rule | Assessment | Status |
|---|---|--------------------------|
| <p>PZ 6 Occupation of space and associated lawfully established structures</p> <p>The following is a controlled activity:</p> <p>The occupation of the common marine and coastal area by the Port of Tauranga Limited provided this is within the area shown in the current occupation permit granted to the Port under section 384A of the Resource Management Act 1991; and</p> <p>The occupation of the common marine and coastal area by structures and activities in the Port Zone that were lawfully established at the date this Plan became operative.</p> | <p>POTL seeks a resource consent under rule PZ 8 (Other buildings and structures in the Port Zone) as discussed in the next row of this table. This negates any requirement for consent under rule PZ 6.</p> | Not applicable. |
| <p>PZ 8 Other buildings and structures in the Port Zone</p> <p>With the exclusion of the Sulphur Point North End Berth shown on Map 270-27C contained in Schedule 9 to this Plan, the erection, reconstruction, placement, alteration, extension, removal or demolition of:</p> <p>(a) Any structure or building (excluding cranes) within the area that the Port of Tauranga Limited has been granted a section 384A occupation permit that is not a permitted, or controlled activity is a restricted discretionary activity.</p> | <p>Applications for structures under rule PZ 8(a)(ii) include the occupation of space in the common marine and coastal area associated with the structures.</p> <p>For completeness, no Project elements relate to the Sulphur Point North End Berth shown on Map 270-27C of the Outline Development Plan (see Figure 33).</p> <p>The proposed structures are all located in (a) the Port Zone, and (b) the area of coastal occupation authorised by POTL's resource consent 04-0128 (see Figure 32).</p> <p>None of the <i>proposed</i> structures are permitted by rules PZ 2 or PZ 3.</p> <p>The proposed structures are not controlled activities under rules PZ 6 or PZ 7.</p> <p>As such, this rule applies to the proposed structures, except the proposed cranes, which are addressed</p> | Restricted discretionary |

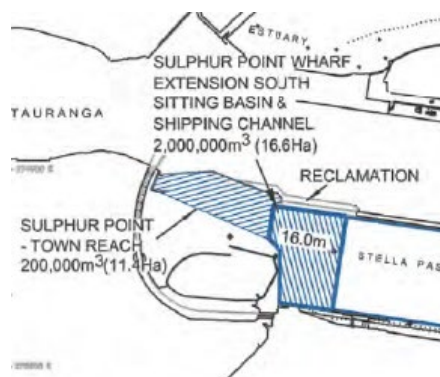


| Rule | Assessment | Status |
|--|--|--------------------------|
| | by rule PZ 9, discussed in the next row of this table. | |
| <p>PZ 9 Cranes exceeding the permitted height or location</p> <p>The erection, reconstruction, placement, alteration or extension of any wharf crane that exceeds the permitted height or location in Rule PZ 4 is a restricted discretionary activity.</p> | <p>Two of the proposed cranes will be taller than 100 m Moturiki datum, but their range of operation will be within the 286 m extent south of the existing Sulphur Point wharf referenced in rule PZ 4. Those two cranes therefore cannot comply with rule PZ 4(a) and require consent under this rule.</p> <p>The other two cranes will comply with the permitted height limit but cannot comply with the locational criterion specified in the chapeau of rule PZ 4, as their range of operation will include areas of the wharf extensions that are more than 286 m south of the existing Sulphur Point wharf.</p> <p>Consequently, the four proposed cranes require consent under this rule.</p> | Restricted discretionary |
| <p>PZ 10 Specified dredging activities</p> <p>Any discharge and disturbance (including removal of sand, shingle, shell, or other natural material) of the foreshore or seabed for the following activities as shown on Map 270-67 in Schedule 9 to this Plan:</p> <p>(a) Construction of the Sulphur Point North End Berth and Shipping Channel,</p> <p>(b) Construction of the Sulphur Point Wharf Extension South Sitting Basin and Shipping Channel,</p> <p>(c) Deepening of the Sulphur Point Town Reach,</p> <p>(d) The Mount Maunganui Wharves Future Berth Deepening as shown on Plan 270-25B, and</p> | <p>An extract from map 270-67 of the Outline Development Plan is provided below. This shows the provision made by the RCEP for dredging (16.6 ha and 2 Mm³) associated with the Project.</p> <p>The dredging proposed by this application requires consent pursuant to clauses (b), (c) and (d). Clauses (a) and (e) are irrelevant as dredging is not proposed in those areas.</p> | Restricted discretionary |



| Rule | Assessment | Status |
|------|------------|--------|
|------|------------|--------|

- (e) Deepening of the existing entrance passing lane.



PZ 11 Specified reclamations

The discharge, reclamation and deposition onto the foreshore or seabed for the following reclamations shown in Schedule 9 to this Plan:

- (a) Construction of the Sulphur Point Wharf Extension South to accommodate the future wharf extension shown on drawing 270-27 in Schedule 9 to this Plan; and
- (b) Construction of the Mt Maunganui Wharf Extension South to accommodate the future wharf extensions shown on drawing 270-68 in Schedule 9 to this Plan;

The proposed reclamations are:

- > specified reclamations as identified in Maps 270-65, 270-27, 270-68 of Schedule 9 of the Plan (albeit the proposed reclamations are smaller than those anticipated by the Outline Development Plan); and
- > associated with clauses (a) and (b).

As such, the reclamations require consent under this rule.

Restricted
Discretionary

5.1.4 Tauranga City Plan

The TCP does not apply to activities in the CMA (i.e., below MHWS). However, land use activities above MHWS, such as wharf cranes operating over a range that traverses MHWS, and noise from construction activities on land (i.e., from the TCP's Port Industry Zone that applies to the terrestrial Port environs), are subject to the TCP. Consequently, TCP chapters 4 and 18 contain relevant provisions.

Section 4E and Diagram 4 of the TCP provide direction about noise management from sources in the Port Industry Zone. The Port noise contours specified in the TCP (and shown in Figure 80) are identical to the contours in RCEP Map 11C (Figure 81).



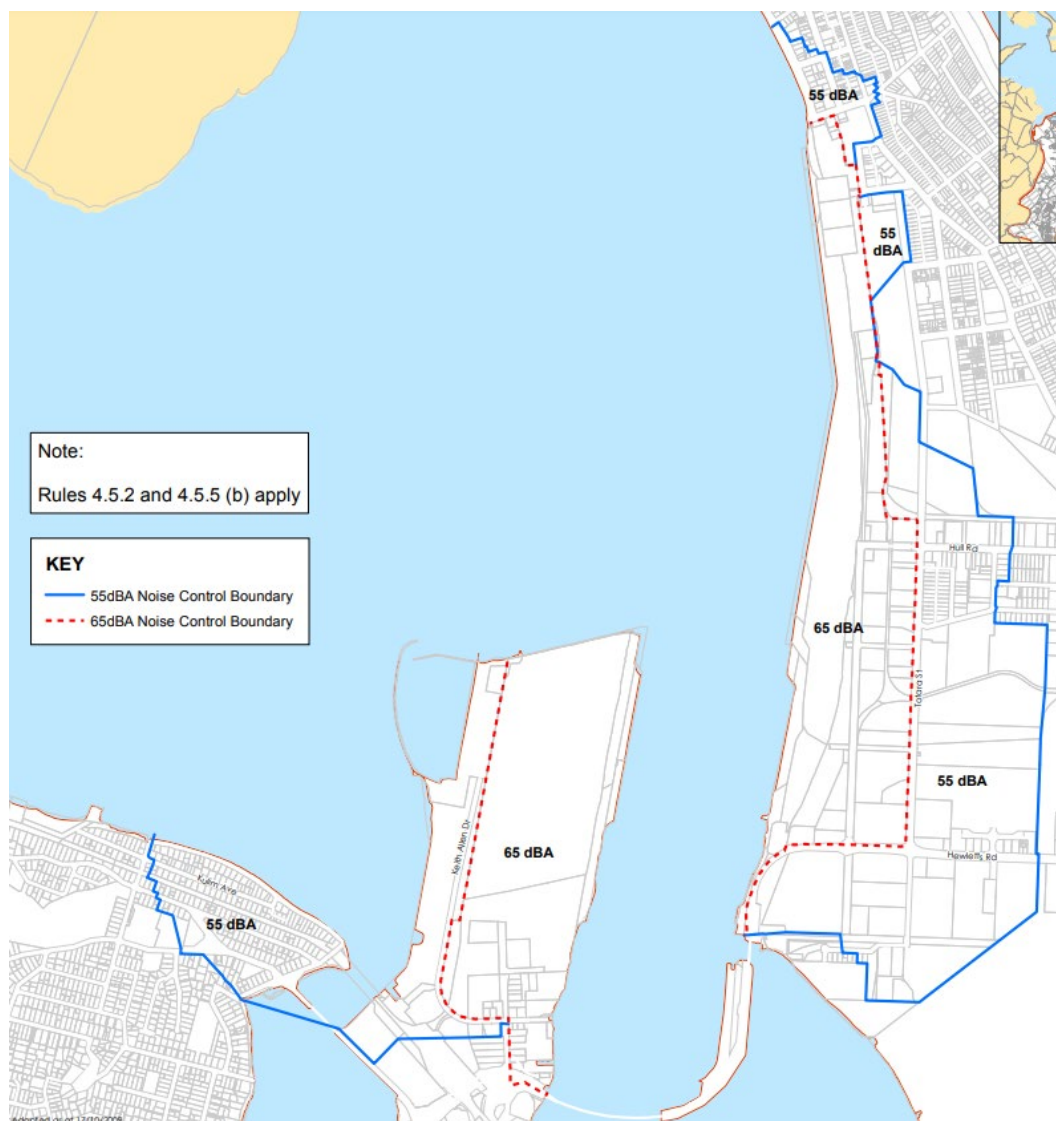


Figure 81: Port Noise Control Boundaries (TCP Diagram 4).

5.1.4.1 TCP Rule Assessment

The proposed cranes trigger resource consent requirements under the TCP. Table 19 below assesses the Project against the applicable TCP rules.

Table 19: Tauranga City Plan rule assessment.

| Rule | Comment | Activity Status |
|--|---|-----------------|
| 4E.2.7 Port Industry Zone and Noise Control Boundary Requirements | This rule only applies to noise from activities conducted in the Port Industry Zone (i.e., on land, not in the CMA) therefore, the loudest activities (pile | Permitted |

| Rule | Comment | Activity Status |
|---|--|-----------------|
| <p>(a) The Ldn from all activities within the Port Industry Zone shall not exceed 55 dBA at any point outside the 55 dBA noise control boundary (Diagram 4, Section 5, Plan Maps Part B), nor 65 dBA at any point outside the 65 dBA noise control boundary;</p> <p>(b) No single 15-minute sound measurement level shall exceed 65 dBA L_{eq} between 2200 and 0700 at any point outside the 65 dBA noise control boundary;</p> <p>(c) The night-time maximum sound level (L_{max}) shall not exceed 85 dBA at any point outside of the 65 dBA noise control boundary.</p> <p>(d) Between the 55 dBA Ldn and 65 dBA Ldn noise control boundaries (Diagram 4, Section 5, Plan Maps Part B), additions to existing buildings beyond 25% of existing gross floor area, new residential activities, visitor accommodation, homestay, schools and tertiary education premises and health centres shall meet the following requirements:</p> <p>i. All habitable room(s) shall be designed by a suitably qualified acoustic engineer to achieve 45 dBA Ldn within that room. Where exterior windows and/or doors need to be closed to achieve this internal level a ventilation system shall be provided that is capable of providing an airflow that is controlled within the range of 5 to 10 air changes per hour throughout</p> | <p>driving and dredging in the CMA) associated with the Project - are not subject to this rule.</p> <p>Regarding clause (a), refer to the assessment in Table 18 of RCEP rule PZ 1. Project-related construction noise is not a long-term operational noise subject to this standard – as evidenced by the fact that NZS 6803 provides direction for the management and assessment of construction noise, in lieu of <i>NZS6809:1999 Acoustics – Port Noise Management and Land Use Planning</i> which expressly precludes construction noise.</p> <p>Regarding clauses (b) and (c), construction activities will not be undertaken in the Port Industry Zone during the hours referenced in these clauses, so these standards are not applicable.</p> <p>Clause (d) is not applicable.</p> <p>Regarding clause (e), the construction noise assessment by Marshall Day (Appendix 16) confirms that <i>NZS6809:1999 Acoustics – Port Noise Management and Land Use Planning</i> defers to NZS 6803 as the appropriate construction noise assessment standard. This is discussed below in terms of TCP rule 4E.2.14</p> | |

| Rule | Comment | Activity Status |
|---|--|--|
| <p>the habitable rooms of the building. For the avoidance of doubt the internal design of 45 dBA Ldn shall include noise from both the Port Industry Zone and any ventilation system operating at its design rating.</p> <p>Sound levels shall be measured in accordance with <i>NZS 6801:2008 Acoustics - Measurement of Sound</i> and assessed in accordance with <i>NZS6809:1999 Acoustics – Port Noise Management and Land Use Planning</i>.</p> | | |
| <p>4E.2.14 Construction Noise</p> <p>(a) Construction noise from a site in any zone within the City shall not exceed the limits recommended in, and shall be measured and assessed in accordance with, <i>NZS 6803:1999 Acoustics Construction Noise</i>;</p> <p>(b) For construction activities being undertaken from 20 December – 10 January (inclusive) within the Mount Maunganui area from Adams Avenue to Grace Avenue, noise levels shall not exceed Rule 4E.2.1 – Residential Zones and Rural-Residential Zone.</p> | <p>The construction noise assessment by Marshall Day (Appendix 16) confirms that the proposed construction activities on land will easily comply with the daytime noise limits specified in NZS 6803, thereby according with clause (a).</p> <p>While Marshall Day’s assessment identifies a small (1dB – 2dB) exceedance of NZS 6803 associated with night-time dredging, that activity is not in the TCP Port Industry Zone and therefore is not subject to this rule.</p> <p>Clause (b) of this rule is irrelevant to the Project.</p> | Permitted |
| <p>Rule 18A.12.1.3(b) The erection, reconstruction, placement, alteration or extension of any wharf crane located in the area of the existing wharf development at Sulphur Point, the Sulphur Point Extension North (being a proposed extension of 170 metres of the existing Sulphur Point Wharf to the North), portion of the Sulphur Point</p> | <p>Two of the proposed cranes will exceed the NZVD16 height limit specified in clause (a). The other two cranes will have an operating range that extends beyond 286 m south of the existing Sulphur Point wharf.</p> <p>As such, none of the proposed cranes meet the provisions of this rule and will</p> | <p>Restricted discretionary</p> <p>(Rule 18A.15)</p> |

| Rule | Comment | Activity Status |
|--|--|-----------------|
| <p>Extension South (being 286 metres south of the existing Sulphur Point Wharf), and the Mt Maunganui Wharves north of the southern end of Berth 11, as identified in Appendix 18A: Port Industry Zone Height Areas – Tauranga Wharves and Appendix 18B: Port industry Zone Height Areas - Mt Maunganui Wharves respectively is a permitted activity subject to the following conditions:</p> <ul style="list-style-type: none"> • The crane or any alteration or extension to it at no time exceeds 100 metres above NZVD16 Datum; • All other relevant activity standards (excluding height) in Rule 18A.12 – Permitted Activity Rules are met (for the purposes of this rule the existing wharf development being as at the date the proposed plan was notified, being 17 October 2009); • All requirements of the Civil Aviation Authority, including approval under Rule 77 of the Civil Aviation Rules, and requirements of the Tauranga Airport are met; • For any port cranes on the Sulphur Point Wharves in the area identified in Appendix 18A: Port Industry Height Areas – Tauranga Wharves as being between 122 and 286 metres south of the existing Sulphur Point Wharves, it can be demonstrated that the navigational equipment at the Tauranga Airport has been upgraded sufficiently to meet the requirements of the Civil Aviation Authority and the Tauranga Airport. | <p>require consent as a restricted discretionary activity under rule 18A.15.</p> | |



| Rule | Comment | Activity Status |
|--|--|--------------------------|
| Rule 18A.15(b) Cranes on the Sulphur Point Wharves not complying with the height limits specified in Rule 18A.12.1.3 b. – Port Industry Zone or located in an area outside either the proposed Sulphur Point Wharf Extension North (proposed as 170 metres to the north of the existing wharf), or further south than the Sulphur Point Extension South (being 286 metres south of the existing wharf); | Two of the proposed cranes will be taller than 100 m NZVD16 and the other two, while complying with the height limit, will operate along a range of the new wharves that is more than 286 m south of the of the existing wharves. Therefore, all four proposed cranes require consent under this rule as a restricted discretionary activity. | Restricted discretionary |

5.1.5 Summary of Resource Consent Requirements

The Project requires the following resource consents:

5.1.5.1 RCEP

- > Maintenance dredging as a **controlled activity** pursuant to rule PZ 5;
- > The development of the Sulphur Point and Maunganui wharf extensions as a **restricted discretionary activity** pursuant to rule PZ 8;
- > The development and use of cranes exceeding the permitted height (2 cranes) and location (2 cranes) as a **restricted discretionary activity** pursuant to rule PZ 9;
- > Specified dredging as a **restricted discretionary activity** pursuant to rule PZ 10; and
- > Specified reclamations associated with the Sulphur Point and Maunganui wharf extensions as a **restricted discretionary activity** pursuant to rule PZ 11.

5.1.5.2 TCP

- > The development and use of cranes on the Sulphur Point Wharves not complying with the height limits and locational requirements specified in Rule 18A.12.1.3 b. – Port Industry Zone is a **restricted discretionary activity** pursuant to rule 18A.15(b).

Overall, when considering the proposed activities governed by the RMA, the Project requires resource consent as a **restricted discretionary activity**.



5.1.6 Controlled activity matters

5.1.6.1 RCEP rule PZ 5 - Maintenance Dredging Activities.

When assessing maintenance dredging activities, the Regional Council must reserve its control over the following matters.

- (a) The area, quantity, location and timing of disturbance and discharge.*
- (b) Effects on the hydrodynamic and geomorphic regime of the harbour and open coastline, including maintenance of beaches and related sediment transport processes.*
- (c) Effects on fisheries, indigenous biodiversity and ecosystems.*
- (d) The release and spread of harmful aquatic organisms.*
- (e) Coastal water quality including the provisions of Section 3 – Coastal Discharges and Schedule 13 to this Plan.*
- (f) Effects on other harbour users, navigation and public safety during dredging.*
- (g) Site specific historical or cultural values under ss 6(e) or 7(a) of the RMA.*
- (h) The review of conditions and the timing and purpose of that review.*
- (i) The amount and type of any financial contribution.*
- (j) Compliance monitoring.*

5.1.7 Matters over which Discretion is Restricted

The consent authority's discretion is restricted to the matters in the proceeding sub-sections, and these are addressed Section 10.6.10 of this report and have guided the effects assessment in in Section 6 of this report.

104C Determination of applications for restricted discretionary activities

When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—

- (a) a discretion is restricted in national environmental standards or other regulations;*
- (b) it has restricted the exercise of its discretion in its plan or proposed plan.*

The consent authority's discretion is restricted to the following matters and these are addressed in Sections 6 and 10.8 of this report.

5.1.7.1 RCEP rule PZ 8 - structures and buildings requiring consent.

- (a) The compatibility of the structure and its intended use with the purpose of the Port Zone.*
- (b) The finished visual appearance when viewed from a public place.*



- (c) *The effects of glare and lighting.*
- (d) *Structural integrity.*
- (e) *Effects on the hydrodynamic and geomorphic regime of the harbour.*
- (f) *Effects during construction on other harbour users, aviation, navigation and public safety.*
- (g) *Management of hazardous substances (for buildings, structures or areas used for the storage or handling of hazardous substances).*
- (h) *The review of conditions and the timing and purpose of that review.*
- (i) *The amount and type of any financial contribution.*
- (j) *Compliance monitoring.*
- (k) *The quantity, location and timing of discharge.*
- (l) *Coastal water quality including the provisions of Section 3 – Coastal Discharges and Schedule 13 to this Plan.*
- (m) *The area, quantity, location and timing of any disturbance or deposition.*
- (n) *The materials deposited.*
- (o) *Site specific historical or cultural values under ss 6(e) or 7(a) of the RMA.*

5.1.7.2 RCEP rule PZ 9 – cranes.

- (a) *The impact on the airport height restrictions identified in map sheets 9c, 10c, 11c, 12c, 13c, 14c, and 15c.*
- (b) *The safe operation of Tauranga City Airport.*

5.1.7.3 RCEP rule PZ 10 - specified dredging.

- (a) *The area, quantity, location and timing of disturbance and discharge.*
- (b) *Effects on the hydrodynamic and geomorphic regime of the harbour and open coastline.*
- (c) *Effects on marine life and ecosystems.*
- (d) *The release and spread of harmful aquatic organisms.*
- (e) *Coastal water quality including the provisions of Section 3 – Coastal Discharges and Schedule 13 to this Plan.*
- (f) *Effects on other harbour users, navigation and public safety during construction.*
- (g) *Site specific historical or cultural values under ss 6(e) or 7(a) of the RMA.*
- (h) *The review of conditions and the timing and purpose of that review.*
- (i) *The amount and type of any financial contribution.*
- (j) *Compliance monitoring.*

5.1.7.4 RCEP rule PZ 11 - Specified reclamations.

- (a) *The matters listed in Policy PZ 13.*
- (b) *The material, quantity, area, location and timing of deposition, reclamation and discharge.*
- (c) *Effects on the hydrodynamic and geomorphic regime of the harbour.*
- (d) *Coastal water quality including the provisions of Section 3 – Coastal Discharges and Schedule 13 to this Plan.*
- (e) *Effects on other harbour users, navigation and public safety during construction.*
- (f) *Site specific historical or cultural values under ss 6(e) or 7(a) of the RMA.*



- (g) *The review of conditions and the timing and purpose of that review.*
- (h) *The amount and type of any financial contribution.*
- (i) *Compliance monitoring.*

5.1.7.5 TCP rule 18A.15 - Cranes.

- (a) *Impact on the height restrictions within specified Airport Slopes and Surfaces described in Rule 4I.2 – Permitted Activity Rules; and*
- (b) *The safe operation of Tauranga City Airport.*

5.2 WILDLIFE ACT 1953

Tarāpunga/red-billed gulls and kororā/blue penguins are present in the Project footprint. Both are protected species under the Wildlife Act.

In developing the Mount Maunganui wharf extensions, a constructed rock wall that has been adopted as habitat by gulls and penguins will be removed to enable the reclamation to occur.

Before construction commences, POTL proposes to block the penguin burrows when no penguins are present, and survey the wall before construction begins. If penguins are discovered in burrows while works are undertaken, then before works to dismantle that section of rock wall habitat continue, the birds would be physically relocated to new and higher quality habitat that POTL will establish a short distance to the south.

The red-billed gull colony that uses the rock wall will be encouraged (by the use of gull decoys and recording of gull noises) to relocate to a new section of equivalent rock wall habitat that POTL will establish to the south of the proposed wharf extensions. Therefore, no gulls are proposed to be captured as part of the relocation process.

A range of measures are specified in the proposed Avifauna Management Plan (**Appendix 2a**) to ensure that the dismantling of the existing rock wall does not adversely affect individual kororā/blue penguins that have not already relocated to the replacement habitat.

Section 63(1)(b) of the Wildlife Act makes it an offence to - without prior approval - capture, or have in one's possession, any protected wildlife, as follows:

63 Taking protected wildlife or game, etc

- (1) *No person may, without lawful authority,—*
 - (a) *hunt or kill any absolutely protected or partially protected wildlife or any game:*
 - (b) *buy, sell, or otherwise dispose of, or have in his or her possession any absolutely protected or partially protected wildlife or any game or any skin,*



feathers, or other portion, or any egg of any absolutely protected or partially protected wildlife or of any game:

- (c) *rob, disturb, or destroy, or have in his or her possession the nest of any absolutely protected or partially protected wildlife or of any game.*

POTL proposes to dismantle the relevant section of rock wall outside of gull, and penguin nesting seasons. This will avoid impacts on nests as the seasonal timing means penguin nests will be complete when works are undertaken. Therefore, the Project will not disturb or destroy any nests.

If surveys conducted prior to or during works identify individual penguins that have not moved to the (previously established) replacement habitat, POTLs trained fauna handler will physically capture and relocate the bird(s). This requires a wildlife approval, given POTL will have protected wildlife in its possession. Consequently, POTL is applying pursuant to section 42(4)(h) and schedule 7 (Approvals relating to Wildlife Act 1953) of the FTA for a wildlife approval to authorise the capture and possession of absolutely protected wildlife. These matters are further considered in Section 11 of this report.



6. ASSESSMENT OF EFFECTS

6.1 INTRODUCTION

In accordance with Schedule 5 (clauses 5(4), 6 and 7) and Schedule 7 (clause 2(1)(j)) of the FTA, this section provides an assessment of the actual and potential environmental effects associated with the Project.

POTL has commissioned technical experts to assess the actual and potential effects of the Project. Those assessments inform this section of the report, which summarises the scope, key findings, and recommendations of each technical report. Notwithstanding the summaries presented in this section, for a detailed understanding of the analysis that each technical expert undertook, readers should refer directly to the technical reports, which are provided as **appendices** to this report.

The relevant actual and potential effects, as described in further detail below, are set out in Table 20 below.

In response to the Project's potential adverse effects, POTL proposes the management and mitigation measures referenced in the sub-sections below and summarised in Section 7 of this report, including Table 25 and Table 26 below. These measures would be secured by way of the proposed consent conditions provided in **Appendix 5 (Regional Council Conditions) and 5a (City Council Conditions)** to this report.

The proposed consent conditions for the Project have been drafted to address the actual and potential effects associated with the Project in a robust way and have been subject to scrutiny under the previous Environment Court process, which directed POTL and the Regional Council to finalise a set of conditions focusing on the Stage 1 activities (being the Sulphur Point development and the dredging activities). It is these Stage 1 conditions that have formed the basis for the proposed consent conditions for the Project. Earlier versions of the proposed consent conditions were provided as part of the wider consultation process. The proposed Regional Council consent conditions (**Appendix 5**) have been reviewed and commented on by the Regional Council. POTL consider the conditions have been drafted according to best practice principles such that they are enforceable and avoid any subsequent delegation of decision-making functions.

Where management plans are required by the proposed consent conditions, the conditions include a clear statement of the objectives that are required to be met by those plans, and if they are required to be certified after a consent issues, there is clear guidance about the process that must be followed to facilitate the certification process. In some cases, final versions of management plans have been submitted as part of this FTA application. For



some management plans (see Table 4 above), it is intended that the panel charged with delivering a decision on this application will have sufficient information to accept those plans and impose conditions that require the consent holder to adhere to their requirements without the need for subsequent certification.

It is acknowledged that in the panel's consideration of the application and as part of its deliberations, there may be a need to revisit these conditions to address new matters or new perspectives that might be brought to bear on a particular issue. POTL is committed to a collaborative process whereby further amendments and refinements can be made to the conditions if and when the need arises, at the panel's behest.

Section 85(3) of the FTA requires decision-makers to consider adverse environmental effects in the context of their proportionality to an application's regional or national benefits. Part of the decision-making exercise for this application is, therefore, reconciling this Project's localised, almost uniformly minimal adverse environmental effects, with its manifest regional and national economic significance.

In the view of POTL and its technical advisors, the Project's actual and potential adverse effects are not so significant as to be out of proportion with its regional and national benefits.

6.2 FTA INFORMATION REQUIREMENTS

Schedule 5, clause 6 of the FTA specifies the information required to assess an application's environmental effects. The information required by Schedule 5, clauses 6(1)(a), (c) and (d) (being the actual or potential effects, information regarding discharges, and a description of proposed mitigation measures respectively) are addressed below. Table 20 indexes the effects assessed.

Table 20: Overview of FTA Effects Assessment Matters.

| Assessment Matter | Section |
|------------------------|-------------|
| Project Benefits | Section 6.3 |
| Cultural Effects | Section 6.4 |
| Economic Effects | Section 6.5 |
| Marine Ecology Effects | Section 6.6 |
| Marine Mammal Effects | Section 6.7 |



| Assessment Matter | Section |
|---|--------------|
| Avifauna Effects | Section 6.8 |
| Hydrodynamic and Sedimentation Effects | Section 6.9 |
| Navigation Effects | Section 6.10 |
| Landscape and Natural Character Effects | Section 6.11 |
| Construction Noise Effects | Section 6.12 |
| Air Quality Effects | Section 6.13 |
| Climate Change Effects | Section 6.14 |
| Summary of Effects Management Measures | Section 7 |

6.3 PROJECT BENEFITS

The Project's benefits lie in removing constraints on container and bulk cargo handling capacity at the Port, thereby enabling substantially increased throughput.

The Project will provide a local short-term positive economic effect associated with construction activity.

However, as detailed at length in the Economic Effects Assessment (**Appendix 1**), the Project's primary benefits are the projected long-term, regionally and nationally significant economic benefits of increased import/export activity that would be enabled by removing the current constraints on the Port's cargo throughput.

It is through these benefits, which are further discussed in the next section of this report, that the Project is consistent with the purpose of the FTA.

6.4 CULTURAL EFFECTS

6.4.1 Introduction

POTL recognises that only tangata whenua can determine how an application impacts their cultural values and associations and acknowledges that there is an individual and collective position of opposition to the Project.



As summarised in Section 8.2 below, and described in detail in the Cultural Consultation Report (**Appendix 18**), extensive consultation has been undertaken with tangata whenua groups both historically, as part of the previous COVID Fast-track and Environment Court proceedings and as part of this FTA process. In recognition of the whanaungatanga and whakapapa between tangata whenua and Te Awanui/Tauranga, POTL is committed to foster and grow their whanaungatanga/relationship with tangata whenua throughout the Project's development and beyond.

The impacts of the Project on cultural values and associations have been identified through prior and direct engagement with tangata whenua and informed by the CVRs prepared specifically for the Project, with a total of ten CVRs received. POTL recognise that there are some groups engaged with who have communicated that they will be providing their cultural statements on the Project directly to the Fast Track panel.

For tangata whenua, POTL understands that the Project does not take place in isolation. The historic Port developments and reclamation activities in Te Awanui/Tauranga Harbour and development of the adjoining Mount Maunganui industrial area contribute to the degraded cultural lens through which the Project is viewed.

The CVRs identify a range of impacts on the cultural values and associations which can be attributed to the Project and, despite the collective opposition to the Project and commentary that it should be deferred, they also include recommended mitigation measures in response to some of these impacts. The mitigations are summarised in Appendix G of the Cultural Consultation Report provided as **Appendix 18** of this report.

While POTL acknowledges that each tangata whenua group has articulated the Project's cultural impacts differently, POTL interprets that the impacts on cultural values and associations broadly relate to the following key themes:

- > Impacts on the ability for tangata whenua to exercise kaitiakitanga and on the whanaungatanga and whakapapa between iwi, hapū and Te Awanui/Tauranga Harbour;
- > Loss of cultural identity and displacement;
- > Impacts on the mauri of Te Awanui/Tauranga Harbour through adverse water quality and hydrodynamic effects;
- > Impacts on kaimoana species and mahinga kai;
- > Impacts on taonga species, including avifauna and marine mammals; and
- > Effects specific to Whareroa Marae.

These key themes, informed by the commentary shared within the CVRs, are further discussed below.



In regard to wider cultural impacts raised in the CVRs received, to the extent that they apply directly to the Project, the technical assessments prepared in support of the Project have identified and provided responses to the commentary by way of response and summary tables within the respective technical assessment. These summaries as are captured in the respective effect sections set out later in this report.

6.4.2 Identified Cultural Effects

6.4.2.1 Impacts on the ability for tangata whenua to exercise kaitiakitanga and on whanaungatanga and whakapapa

Tangata whenua have emphasised the fundamental importance of relationships in addressing cultural matters. For the Project, there are two key relationship dimensions:

- > Kaitiakitanga – The role of tangata whenua as the kaitiaki (guardians) over Te Awanui/Tauranga Harbour; and
- > Whakapapa and whanaungatanga –
 - The relationship and whakapapa dimensions between tangata whenua groups as Tauranga Moana iwi and hapū, and between these groups and Te Awanui/Tauranga Harbour; and
 - The relationship between tangata whenua and POTL and the latter's role as a significant presence in Te Awanui/Tauranga Harbour.

Tangata whenua have highlighted that historical raupatu and associated cultural grievances, including the lack of historical consultation during the industrialisation of Mount Maunganui and Te Awanui/Tauranga Harbour (including development of the Port area), has contributed to the degradation of the ability of tangata whenua to fulfil their role as kaitiaki of Te Awanui/Tauranga Harbour and its surrounds.

Tangata whenua consider that the Project is a continuation of this interconnected historical and contemporary raupatu and grievances, with intergenerational effects and impacts. The lack of acknowledgement of these grievances and the degradation from the development activities has resulted in a continuation of these matters and in turn, the Project's effects on both of these relational dimensions.

While the Port offered significant resourcing to support the engagement and the development of CVRs, tangata whenua expressed that the timeframes for delivery remained a barrier for meaningful engagement. In recognition of this feedback, POTL extended the timeframe for the lodgement of the application by two weeks however, POTL understands

that for some groups who were being engaged with, that this didn't go far enough to meet their expectations.

POTL acknowledges that consultation can place strains on relationships, and remains committed to further developing its relationship with tangata whenua and to providing for the ongoing relationship of tangata whenua with Te Awanui/Tauranga Harbour while also having a role in the Stella Passage development and the wider Port activities.

As set out in Appendix G of the Cultural Consultation Report (**Appendix 18**), some of the mitigation measures proposed in respect to relationship matters include:

- > Provision for a representative group for tangata whenua on the Project to provide for management and co-governance, inform Project outcomes, provide mana enhancing relationships, and provide a liaison between tangata whenua and POTL;
- > Investigating and establishing formal positions on the POTL Board to ensure tangata whenua participation in governance and strategic direction;
- > To build meaningful relationships and for POTL to provide relationship agreements with tangata whenua to set out how parties will work together into the future;
- > Establish a joint funding committee consisting of equal tangata whenua and POTL members to set research priorities and allocate, monitor, and review research projects;
- > Provision of regular Project updates and information sharing of monitoring and management information; and
- > Provision of funding for development and environmental projects which benefit tangata whenua and Te Awanui/Tauranga Harbour.

POTL's response to the Project's impacts on the ability for tangata whenua to exercise kaitiakitanga and on the whanaungatanga and whakapapa dimension are set out in Section 6.4.3.1 below.

6.4.2.2 Loss of cultural identity and displacement

Te Awanui/Tauranga Harbour is a taonga for all tangata whenua. It nourishes through practices and provision including through kai, identity, tikanga, and the exercise of kaitiakitanga.

Tangata whenua have highlighted that Te Awanui/Tauranga Harbour is central to whakapapa connections. Hononga, the connections through whakapapa, to taiao (environment) and to Atua Māori, is a key value of fundamental importance to tangata whenua. Tangata whenua have noted that the extension of the port will encroach on cultural identity and hononga by



further severing links with the harbour and Mauao and obscuring / restricting access to traditional sites.

Clear and unobstructed views of Mauao and the natural character of the environment are of key importance to tangata whenua. Tangata whenua have stated that dramatic changes to the harbour's character can affect the cultural ambiance or sanctity of tikanga and kawa (protocols). Tangata whenua have expressed concern that the installation of new cranes has the potential to further obstruct views of Mauao as a significant cultural landmark from urupā and marae around Te Awanui/Tauranga Harbour. The effects of the natural character and key viewshafts identified by tangata whenua groups are addressed in Section 6.11 and Landscape Effects Assessment (**Appendix 17**).

Limiting or restriction of tangata whenua access to traditional resources and sites as a result of the Project's activities is highlighted as a key concern for tangata whenua as it would disrupt tikanga Māori. This includes vessels transiting to and from the Port, as well as the Port's day to day operations, resulting in impacts to those accessing the barge and landing at Butters Landing and the movement of vessels to and from Matakana Island. POTL acknowledge the significance of, and continued provision for, access to Te Awanui/Tauranga Harbour and its motu (inclusive of Matakana Island), its resources and cultural sites. The Project is located within the footprint of the wider Port and the full extent of the proposed expansion is located within the ODP area for the Port as identified within the RCEP – the establishment of the ODP was subject to a publicly notified plan change process by the Regional Council as part of the process for the RCEP becoming operative.

The expansion of the Port through this Project does not extend restrictions of access to Te Awanui/Tauranga Harbour or its resources beyond those which are already present. The Project provides for enhanced landing and mooring facilities at Butters Landing which improves the existing access provisions for those who access the harbour and Matakana Island from this location. In addition, following the 2021 Environment Court process, POTL reduced the scale of the development footprint in response to cultural concerns raised by tangata whenua, this is further explained in Sections 1.9, 6.4.3.4 and 6.11 of this report.

As set out in Appendix G of the Cultural Consultation Report (**Appendix 18**), some of the mitigation measures proposed in respect to the loss of cultural identity and displacement include:

- > Provision for the recognition of the historical association of tangata whenua with Te Awanui/Tauranga Harbour including pouwhenua and story board at sites of significance around the harbour;

- > Provision for cultural ceremonies and tangata whenua led cultural inductions to all POTL staff and any contractors who may be involved in the Project works;
- > Implementation of cultural capability and capacity-building initiatives including cultural training for all staff; establishing cultural protocols for vessels entering the harbour; and embedding Mātauranga Māori into port operations;
- > Maintaining access and, where possible, improved access to traditional fishing areas and to areas for cultural/customary activities;
- > Provision of environmental education aligned with mātauranga Māori and funding for educational opportunities to tangata whenua;
- > Protection of culturally significant sites for adverse effects of the Project and Port operations e.g. Ensure Mauao and Te Kuia rock are adequately protected from any proposals to cut into the Tanea Shelf;
- > Cultural viewshaft preservation and protection and mechanisms to enhance access to these through collaborative design; and
- > Provision of comprehensive noise and lighting management plans.

POTL's response to the Project's impacts on the matters related to cultural identify are set out in Section 6.4.3.1 below.

6.4.2.3 Impacts on the mauri of Te Awanui/Tauranga Harbour, from water quality and hydrodynamic effects

Water Quality Effects

Tangata whenua have highlighted concerns about the increased risk of turbidity, pollution, and contamination that the dredging operations, reclamation, construction activities and subsequent discharges may pose to Te Awanui/Tauranga Harbour and the interconnected nearby estuaries such as Waimapu and Rangataua Estuary.

These are of key concern to tangata whenua, as adverse effects on the harbour health, water quality of Te Awanui/Tauranga Harbour in turn further degrades the mauri of the moana and the species which rely on it, all of which have already suffered significant historical degradation as a result of past development within the moana, land use activities within the contributing catchment and poor management of industrial and stormwater discharges which discharge into the harbour.

Concerns about the effects dredging may have on harbour health, water quality and surrounding marine life are repeatedly mentioned throughout the CVRs. Tangata whenua have highlighted concerns that the contaminants on the seafloor and in the sediments are



not well understood, and dredging and subsequent deposition of dredged material (which is already authorised by existing consents held by POTL), presents risks to water quality and marine life (including kaimoana species and taonga species) without understanding the contamination risks.

While POTL cannot speak to the effect on the mauri of Te Awanui/Tauranga Harbour, the Project's sedimentation and contaminant risks and impacts on the marine ecology, including kaimoana have been assessed and addressed in Sections 6.6 and 6.9 below respectively. POTL's technical assessments conclude that effects of turbidity as a result of dredging within Te Awanui/Tauranga Harbour, to be controlled through a robust suite of conditions which include the proposed Dredge Management Plan (**Appendix 8**), are considered to be transient, short-term and subject to high rates of dilution and dispersal, thus resulting in any adverse effects being very low. Sediment contaminant concentrations within Stella Passage are considered to be very low and located within the upper most layer if present. As dredging will result in the mixing of sediments and water thus providing dilution, it is not considered that dredging will release detectable levels of contaminants into the water column. The effects on marine life and kaimoana are discussed further below.

While not part of this Project, the consents which authorise the disposal of dredged material offshore outside of the harbour, contains provisions which direct that if certain levels are exceeded in the dredged materials, then it must be collected and discharged to land. Additionally, discharges entering the harbour outside of the Port are beyond the control of POTL and cannot be managed through this Project.

Hydrodynamic Effects

Te Awanui/Tauranga Harbour is vital for providing for tikanga protocols that contribute to and enhance mauri and mana of tangata whenua. Te Awanui/Tauranga Harbour not only provides vital kaimoana resources but also serves as a link to traditional customary practices such as waka, and a causeway connecting people and business at Matakana Island. Iwi and hapū have expressed their concern with past dredging campaigns and the resulting adverse changes in the hydrodynamics and tidal flows of Te Awanui/ Tauranga Harbour in the vicinity of the Port over the years.

Tangata whenua have raised concerns that the proposed dredging to increase the depth of Stella Passage will further intensify tidal flows, compounding the effects of how tangata whenua utilise Te Awanui/Tauranga Harbour. These concerns relate to changes in channel depth and current / tidal velocity which in turn affect when and where waka can be safely used, further restrict access to Te Paritaha and other customary kaimoana sites, and increasing risk of erosion and the resulting effects on wāhi tapu and cultural sites located



along the shoreline of Te Awanui including Te Paritaha and Panepane Bank at the entrance to Te Awanui/Tauranga Harbour.

POTL acknowledge the significant importance Te Awanui/Tauranga Harbour has for tangata whenua and its role in tikanga and cultural practices. POTL have modelled the hydrodynamic effects of the proposed dredging, as discussed in Section 6.9 below. Modelling specifically developed for the Project shows a reduction in peak tidal velocities. From a western science perspective, there will be low effects (within the confines of the shipping channel) slowing the tidal velocity in Stella Passage with flow velocities expected to decrease through Stella Passage, as the area increase due to dredging is larger than the area reduction due to reclamation, and, in turn, contributing to negligible effects on the hydrodynamics processes in Te Awanui/Tauranga Harbour beyond the shipping channels. It is not considered that the hydrodynamic effects of the Project will result in any noticeable erosion effects in the vicinity of the Port nor within the wider Te Awanui/Tauranga Harbour and therefore, no mitigation or monitoring requirements have been identified as being required for any erosion related impacts.

As set out in Appendix G of the Cultural Consultation Report (**Appendix 18**), some of the mitigation measures proposed in respect to impacts on the mauri and harbour health include:

- > Implementation of strict controls on dredging and discharge activities to manage water quality impacts and protection from further deterioration of kaimoana stocks within Te Awanui/Tauranga Harbour;
- > Expansion of existing ecological enhancement projects (e.g. pipi restoration) and provision for new projects that benefit the harbour;
- > Provision for independent water quality monitoring programmes; real time sediment monitoring looking at bioaccumulation and sediment tracking
- > Inclusion of tangata whenua representatives in environmental monitoring and remediation programs is provided for and funded by the POTL;
- > Use of updated data to assess the indirect effects of the proposed dredging programme on the wider harbour and wider incremental changes throughout the whole environmental system, with inclusion of Mātauranga Māori;
- > Provide for ongoing improvement practice (adaptive management) where adverse effects have been identified, and provided for either structural improvement or non-structural solutions;
- > Ensure Tangata Whenua cultural and environmental monitors are contacted in ongoing monitoring of the dredging sites and programmes;

- > Implement a Mauri Model framework for monitoring Te Awanui/Tauranga Harbour's cultural and ecological wellbeing; and
- > Enforcement action by the Port for non-compliance of other high-risk leased facilities where breaches of consent conditions have been identified.

POTL's response to the Project's impacts on the matters related to mauri are set out in Section 6.4.2.3 below.

6.4.2.4 Impacts on kaimoana species and mahinga kai

Te Awanui/Tauranga Harbour is a source of sustenance for tangata whenua. Te Paritaha, to the north of Sulphur Point and west of Waikorere/Pilot Bay, is of particular importance as it is the largest and healthiest pipi bed in Te Awanui/Tauranga Harbour. Te Paritaha is a significant mahinga kai site and has been relied upon by tangata whenua for generations for gathering kaimoana for important occasions, manaakitanga (the custom of hospitality), therefore is a source of mana. It is formally recognised in the RCEP as an Area of Significant Cultural Value (reference ASCV-4A).

Iwi and hapū have highlighted to POTL their concerns about a decline in pipi populations at Te Paritaha and have questioned if the Project might degrade the pipi bed. While the Project does not propose to dredge in or near the pipi bed, tangata whenua have expressed concerns about other potential effects of dredging and reclamation, including altered hydrodynamics in the shipping channel, turbidity and contamination risks. The firm and repeatedly expressed position of iwi and hapū is that the Project must avoid adverse effects on Te Paritaha.

From a Western science perspective, as set out in Sections 6.6 and 6.9, the Project will not result in any adverse effects on Te Paritaha or the pipi at this location as the dredging plume will not extend to this area, nor will it result in any adverse effects on other kaimoana species found on rocky shores of Mauao, Moturiki and Motuotau due to these sites being outside the mixing zone of the dredging plume (the latter two sites being located in the open ocean, well beyond the extent of the harbour).

As set out in Appendix G of the Cultural Consultation Report (**Appendix 18**), some of the mitigation measures proposed in respect to impacts on the kaimoana and mahinga kai include:

- > Ensure protection from further deterioration of kaimoana stocks from within Te Awanui,
- > Continuing the kaimoana enhancement projects i.e. translocating pipi from impacted areas like Paritaha,



- > Establish new kaimoana enhancement projects including restocking shellfish once construction is over, and creating new habitats (artificial reefs or mussel spat ropes under wharf structures), etc;
- > Develop and fund a new Kaimoana Enhancement Programme in conjunction with and led by tangata whenua;
- > Provide for long-term marine habitat restoration (e.g., seagrass replanting, artificial reef projects and other initiatives identified by tangata whenua); and
- > Provision for, and funding of a robust environmental monitoring plan that blends scientific methods and mātauranga including Māori environmental indicators (such as the health of particular indicator species important to the hapū, or observations by kaitiaki divers).

POTL's response to the Project's impacts on the matters related to kaimoana and mahinga kai are set out in Section 6.4.2.4 below.

6.4.2.5 Impacts on avifauna and marine mammals taonga species

Avifauna

Shorebirds and seabirds located within the development footprint include tarāpunga (red-billed gulls), tara (white-fronted terns), tōrea (oystercatchers) and kororā (blue penguin) which are taonga to tangata whenua. Tangata whenua have expressed concerns about the cumulative effects of previous port developments on the reduction of avifauna roosting and nesting sites, and the Project further reducing available avifauna habitat. The exposure to construction related effects such as higher levels of noise, activity and artificial lighting on avifauna is also of concern to tangata whenua.

Specific to kororā (blue penguin), concerns have also been raised that dredging may reduce available food sources as a result of increased turbidity and loss of seafloor bed near the nesting areas.

POTL acknowledge potential effects on avifauna and proposes, as a condition of consent, to implement the proposed Avifauna Management Plan (**Appendix 2a**). Potential adverse effects on avifauna from the Project are addressed in detail in Section 6.8 below.

To address these potential effects associated with the reduction in nesting area, as managed by the proposed AMP, among other management measures, POTL will construct an equivalent surface area of the rock wall a short distance to the south of the dismantled wall and penguin box nests, closer to the Tanker Berth (shown on Figure 16). This will provide the gulls and blue penguins with a nearby substitute habitat and nesting area to occupy, resulting in less than minor adverse effects on the birds from a western science perspective.

Additional controls, as set out in the AMP, will ensure that the Project will not result in any impacts on the sand pile nor the species which utilise it for nesting and breeding sites.

Marine Mammals

Tohorā (whales) and aihe (dolphins) are taonga for tangata whenua and their presence and use of the harbour is often used as a tohu (environmental indicator) contributing to understanding the mauri in Te Awanui/Tauranga Harbour. Regarding impacts of the Project on marine mammals tangata whenua have expressed concerns that:

- > Underwater construction noise and ship strike risk from increased vessels entering the harbour may adversely affect marine mammals; and
- > Lack of consideration of the long-term effects on marine mammals following the completion of works has been provided.

The Project's potential effects on marine mammals are addressed in detail in Section 6.7 below. Marine mammals have extensive home ranges, are highly mobile and can relocate during construction activities. Furthermore, the presence of large mammals in the harbour, in particular the Port area is low and their presence is transient in nature.

A Marine Mammal Management Plan (**Appendix 6**), to be implemented as a requirement of consent, sets out a range of management measures, including pre-start observations and shut-down measures where marine mammals are sighted in the harbour during piling and construction activities. The proposed dredging conditions also provide specific controls for the dredging activities in respect to marine mammals however, these are more permissive than those for the construction activities given the effects of dredging on mammals in identified as negligible to minor.

While the wharf extensions will enable an increase in vessel activity at the Port (approximately 24 vessels per month), this equates to approximately 1 additional vessel per day. This presents minimal additional risk of ship strike than what already exists within the harbour. From a western science perspective, the implementation of the Marine Mammal Management Plan (**Appendix 6**) and compliance with the wider conditions which provide for marine mammals, appropriately minimises any adverse effects on marine mammals.

As set out in Appendix G of the Cultural Consultation Report (**Appendix 18**), some of the mitigation measures proposed in respect to impacts on the avifauna and marine mammals included:

- > Provision for tangata whenua to review and comment on the Project's draft Marine Mammal Management Plan and Avifauna Management Plan and associated technical assessments as part of the pre-lodgement consultation process; and

- > Provision of a one off fund of \$150,000, to be administered by the SPDAG, to be used for the purpose of assessing and developing opportunities to enhance avifauna habitat in and around Te Awanui/Tauranga Harbour.

POTL's response to the Project's impacts on the matters related to marine mammals and avifauna set out in Sections 6.7 (Marine Mammals) and 6.8 (Avifauna) below.

6.4.2.6 Effects Specific to Whareroa Marae

While no cultural statement has been received from Whareroa Marae or Ngāti Kuku on the FTA application, POTL recognise that Whareroa Marae is the closest sensitive receiver to the project. Through engagement and witnesses in evidence presented in the Environment Court direct referral proceeding, representatives from Whareroa have expressed concerns about the cumulative effects of industrial expansion around their marae, including reduced air quality, increased noise and the role of development, including the Port, in reducing cultural viewshafts and connection to Mauao and the wider Te Awanui/Tauranga Harbour.

Visual and spatial encroachment

Whareroa Marae have expressed concern that the Project will exacerbate the cumulative effects of historic industrial expansion by increasing marine traffic, dredging activities, and land reclamation, further limiting the cultural and environmental integrity of the locality.

In particular, further visual and spatial encroachment of Whareroa Marae by additional cranes, wharf extensions to the south of the existing wharves and the presence of large vessels mooring further south at the extended wharves are identified likely to minimise sightlines from Whareroa Marae, further isolate it from Te Awanui/Tauranga Harbour, and thereby reduce the spiritual and cultural connections to the harbour landscape.

The effects of the natural character and spatial encroachment are addressed in Section 6.11 and the Landscape Effects Assessment (**Appendix 17**).

Air Quality

Air pollution from the surrounding industrial environment and road transport network is a key challenge for Whareroa Marae. The Mount Maunganui airshed is classed by the Regional Council as a polluted airshed and the adverse effects of air discharges are of high concern to Whareroa Marae. Representatives have raised concerns that the Project will prompt increased air emissions, as a result of more vessel movements and indirectly as a result of increased transport and industrial activity within the Mount Maunganui airshed. The firm view expressed by representatives of Whareroa Marae is that increased air pollution must be avoided.



Recognising the air quality concerns, Section 6.13 of this report confirms that the contribution of the additional Port operations as a result of the Project to the ambient air quality will be low – negligible when compared against the relevant WHO guidelines.

6.4.3 Recommendations and Mitigation Measures

POTL recognises the collective opposition of tangata whenua to the Project and acknowledges the concerns raised, and also the recommended mitigation provided, by tangata whenua in respect to the impacts on cultural values and associations.

POTL acknowledge there are some differences between the tangata whenua recommended mitigations and those proposed by POTL but also notes that some mitigation measures identified in the CVRs were already proposed by POTL. These include provision for, and funding of, the SPDAG; financial contributions to enhancement and abundance projects for Te Awanui/Tauranga Harbour and for the design and placement pouwhenua; and provision for ongoing cultural and mātauranga monitoring. Overall, POTL considers that its proposed mitigations measures (both those specific to cultural matters and the wider Project mitigations) strike a balance between the Project and the impacts on cultural values and associations. POTL therefore, consider that the proposed consent conditions address the cultural impacts of the Project and the mitigations focused on cultural matters are summarised below.

Further to the below, POTL notes that there are broader mitigations suggested through the CVRs (e.g. recommended mitigations which are in response matters beyond the Project which include mitigation in response to raupatu and grievances aspects which relate to the broader footprint of Te Awanui/Tauranga Harbour; the disposal of dredged material, which is provided for under a separate consent; provision of commercial opportunities) which it has not included in its proposed consent conditions.

This is generally because some of the suggested mitigations are not relevant to or are much broader than the Stella Passage project, and/or they are not suitable for resource consent conditions as part of the Project being considered under the FTA. POTL considers that if relationship agreements are entered into between POTL and any iwi/hapū entities (as proposed by condition 1 under both the structure and dredging consents) then these could form a vehicle for having discussions of a broader nature.

6.4.3.1 Kaitiakitanga, whanaungatanga and cultural Identity

To the extent that the Project intersects the relationship of tangata whenua with Te Awanui/Tauranga Harbour and their kaitiaki responsibilities, the proposed Regional Council consent conditions (**Appendix 5**) require that POTL must invite tangata whenua to establish (and if established, must fund) the SPDAG. The purpose of the SPDAG is to provide for a

tangata whenua led forum that provides ongoing advice to the consent holder in the implementation of the associated activities, including:

- > Preparation of a Mātauranga Monitoring Plan (given the development of this plan inherently relies on tangata whenua input, no draft is included with this application) and associated funding support for the delivery of monitoring, review of the matauranga monitoring results and communicating the details of any effects of concern and recommendations for remedies to POTL;
- > Review of the final Dredge Management Plan and Reclamation and Construction Management Plan required to be certified, and input into any reviews of this plan. Draft versions of each of these plans is attached to this application to illustrate the type of management measures likely to be implemented. On engagement of the dredging and construction contractors, final versions of the plans would be prepared in accordance with the requirements of the consent conditions – which include express requirements for SPDAG’s input - and certified by the Regional Council before the start of the dredging and construction works respectively;
- > Reviewing the results of the monitoring reports that are required by consent conditions for Te Paritaha as well as any results from the Kaimoana Restoration Programme required by POTL’s existing consent no. 65806 (Capital Dredging);
- > Administering funds \$2,000,000 that POTL is obliged by consent conditions to provide in support of ongoing harbour health and abundance projects;
- > Administering funds \$250,000 that POTL is obliged by consent conditions to provide in support of education and research scholarships for iwi and hapū;
- > Participation in an annual hui with POTL’s Chief Executive Officer and Chair to consider the strategic planning for the Port; and
- > Broadly, providing ongoing advice to POTL about the implementation of the consents as relevant to Māori cultural values, including as a liaison for any concerns to be voiced and facilitating the provision of any cultural ceremonies that iwi or hapū may deem appropriate.

The intention of the SPDAG is to provide a forum for information sharing about consent implementation and outcomes and for the development of solutions to Project-related matters. In this manner, POTL hopes to support both the kaitiakitanga and whanaungatanga relational dimensions.

The SPDAG is not the sole means of engagement between POTL and tangata whenua parties nor for the provision for and recognition of the relationship with Te Awanui/Tauranga Harbour. POTL remains committed to engagement with individual iwi or hapū and provision /



recognition of each relationship, as appropriate to recognise particular interests that intersect with the Project. This is provided for through the proposed consent conditions, which require POTL to establish relationship agreements with tangata whenua parties the purpose of which is to agree and record how the POTL and each party will establish a long term organisation-wide relationship with each other, including a forum to discuss matters which are outside the scope of the Project.

POTL recognise the importance of continuing to provide and promote the cultural identity of tangata whenua and their cultural connection with Te Awanui/Tauranga Harbour. In this regard, the proposed consent conditions require POTL to:

- > Provide a financial contribution of \$25,000 annually for the term of dredging consent, to Fund the preparation and implementation of a Mātauranga Monitoring Plan by SPDAG facilitated; and
- > Provide a financial contribution of \$500,000 to be administered by the SPDAG, to use for the design and implementation of Pou or other structures, for the purpose of recognising the significance of the land on which the Port is located to the relevant tangata whenua parties.

6.4.3.2 Mauri of Te Awanui/Tauranga Harbour and harbour health

POTL support the position of tangata whenua that it is necessary that the mauri / health (including water quality) of Te Awanui/Tauranga Harbour is effectively managed and ultimately restored. Further to the proposed consent conditions requiring that SPDAG administered funding must be provided by POTL for abundance projects and projects that contribute to the restoration of the health of Te Awanui/Tauranga Harbour (discussed above), the proposed consent conditions also provide for:

- > A contribution to the preparation, by the SPDAG, of a Mātauranga Māori State of the Environment report by providing \$100,000 towards the costs of preparing the report;
- > One off payment of \$100,000 for the SPDAG to fund an independent audit and assessment of against existing consent conditions and discharges into Te Awanui/Tauranga Harbour;
- > One off fund of \$150,000, administered by the SPDAG, to be used for the purpose of assessing and developing opportunities to enhance avifauna habitat in and around Te Awanui/Tauranga Harbour; and
- > Provision for a cultural monitor to be present during capital dredging operations to observe the operations and sediment plumes and report back to the SPDAG on the activities in accordance with the proposed consent conditions.



POTL considers that these measures will assist in the long-term planning and management approach for water quality and in turn, development of projects which positively contribute to the restoration of the mauri of Te Awanui/Tauranga Harbour.

6.4.3.3 Kaimoana and mahinga kai

Te Paritaha

POTL recognises the importance of the preservation and protection of Te Paritaha. This Project does not seek authorisation to alter the pipi bed, nor propose any activities that, from a western science view, affect Te Paritaha.

In the context of the Project, adverse sedimentation and hydrodynamic effects will be negligible beyond, and will be low or very low within, the shipping channel. Notwithstanding, POTL supports the provision of ongoing monitoring to investigate the causes of changes in the pipi population at Te Paritaha. To this effect, annual ongoing monitoring of Te Paritaha is offered as a proposed consent condition for the dredging activities, with requirements to provide results to the SPDAG to review and if deemed appropriate, utilise as part of the Mātauranga Monitoring Plan. The purpose of the 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.

It is acknowledged that the Kaimoana Restoration Programme, established in accordance with the existing capital dredging consent no. 65806 is still operating. As such, it is considered that monitoring of Te Paritaha is most appropriately implemented through continued operation of the Kaimoana Restoration Programme and not duplicated in a consent for this Project.

Kaimoana elsewhere in Te Awanui/Tauranga Harbour

Notwithstanding the low adverse ecological effects of the Project as described in Section 6.6 of this report, POTL acknowledge the necessity to support the health of Te Awanui/Tauranga Harbour. As mentioned above, the proposed consent conditions require POTL to provide for the development and implementation of a tangata whenua led (through the SPDAG) Mātauranga Monitoring Plan which, at the discretion of tangata whenua, can include the monitoring of kaimoana species and along with cultural health indicators.

In addition, to support tangata whenua interests in resourcing rangatahi education and research to contribute to managing the health of Te Awanui/Tauranga Harbour by future generations, the proposed consent conditions require POTL to 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.

6.4.3.4 Whareroa Marae

In response to the cultural impacts as they relate directly to Whareroa Marae, POTL states:

- > The Project scope was narrowed through the Environment Court process, and this has been retained for this FTA Application. The Project has been scaled down to reduce the visual / cultural landscape impacts by:
 - Reducing the dredging footprint from 14.4 ha to 10.55 ha to remove dredging activities in the eastern part of Stella Passage;
 - A reduction of the Mt Maunganui wharf extension works from 918 m to 315 m; and
 - Replacing the wharf extension with smaller coastal mooring structures to control the types of vessels being berthed at the Mt Maunganui wharves adjacent to the marae.
- > In addition to the changes to the Project scope and to wider cultural mitigation measures described above, POTL also propose the following *Augier* conditions as mitigation specific to Whareroa Marae:
 - Where POTL has been advised 24 hours in advance of a Tangihanga occurring at the Whareroa Marae, and where pile driving activities at the Butters Landing/Bunker wharf area are demonstrated to be above 50 dB LAeq, the POTL will cease pile driving activities at this location for three (3) days;
 - Provision of \$100,000 for the completion of a longitudinal assessment of health and wellbeing against agreed marae outcomes for Whareroa Marae;
 - Provision of a one off payment of \$1,000,000 and then provision of an annual payment of \$25,000 to the Whareroa Marae Reservation Trust for Whareroa Marae Infrastructure projects; and
 - POTL must fund and prepare a land use policy addressing incompatible activities on land owned by POTL and located adjacent to Whareroa Marae. The policy must be provided to Whareroa Marae representatives upon its completion.

6.4.4 Cultural Effect Summary

POTL acknowledge that there is a differing position on the impacts of the Project on cultural values and associations between tangata whenua parties and POTL.

However, POTL consider that the proposed mitigation package (including the wider controls and management measures to be provided for by way of the consent conditions) will ensure that any impacts of the Project on cultural effects are managed to an appropriate level. POTL considers that the proposed consent conditions provide for a number of mechanisms which ensure that tangata whenua have an ongoing role in the Project and wider Port operations and are provided the opportunity to fulfil their role as kaitiaki for Te Awanui/ Tauranga Harbour.

6.5 ECONOMIC EFFECTS

6.5.1 Scope of Assessment

The Economic Effects Assessment (**Appendix 1**) illustrates the scale of the Project's benefits by estimating the opportunity cost in 2033 of trade forgone if the Project does not proceed.

The economic case is that POTL's current wharf capacity constraints limit expected growth in trade and the size of ships in future. POTL, as a result of demand, aims to double the container volume capacity handled each year, while the upgrade to the Mount Maunganui wharves will enable POTL to handle changes in mixed goods/cargo.

6.5.2 Economic Effects Identified

The Project will alleviate constraints (limited wharf extents) on the Port's throughput capacity, which currently limit the Port's ability to provide significant regional and national benefits. These constraints are already being experienced and will worsen if allowed to persist.

Constraining expansion at the Port by forgoing the Project would not just affect POTL but also have significant strategic implications for all of New Zealand in increasing the costs of exporting and distributing imports. This would be a drag on people and communities' ability to secure their well-being and is contrary to economic efficiency.

In the context of the Project, the principal economic effects include:

- > Positive economic impacts of spending, jobs and incomes associated with the Project.
- > These include both spending and jobs created directly in undertaking the Project and those created indirectly by business stimulated in the Project's supply chain; and
- > These provide a relatively short-term increase in spending during construction, which soon reverts to a lower level of operations and maintenance activity.



- Positive effects arising from the consequences of the Project, in enabling larger ships to more readily access the wharves, and efficiencies in Port operations enabled by the new infrastructure and machinery operated on it. These provide a larger and longer-term benefit than the stimulus of construction, including:
 - > Efficiencies in handling larger ships, larger loads and spending less time in mooring and attending to smaller vessels;
- Accommodating expected increases in the annual volume of container traffic by relieving constraints on, particularly the Sulphur Point container wharf. The Project will increase the container terminal handling capacity, to some 2.6 million TEUs per year;
- Providing access for more, larger ships increases the options of ship size available to businesses shipping from and to New Zealand, reducing costs per tonne transported;
- To the extent that larger ships predominate in shipping routes around New Zealand, the frequency of shipping will improve for New Zealand exports and imports; and
- Savings in shipping costs (or suppression of increases in shipping costs in the absence of access to larger, more modern ships) are available to fund business investment, enhance incomes and stimulate further spending on consumer goods.

Positive effects arising from the consequences of the Project are likely to be larger, more enduring and more widely spread across the regional and national economies than the more short-term construction-related economic impacts.

6.5.3 Assessment of Economic Effects

NZIER draws the following conclusions about the Project's effects (**emphasis added**).

The Project (consisting of the provision of infrastructure to provide for growth in demand) will “...facilitate the delivery of infrastructure and development projects with significant regional or national benefits”, in line with the purpose of the FTA and the following points:

- > In its current configuration, the Port is nearing capacity. Therefore, its economic contributions (while significant) will be negatively impacted by capacity constraints in the near future;
- > Forecast growth in population and primary industries in the surrounding regions leads to expected demand for additional capacity and functioning at the Port;



- > The Project, which includes a targeted TEU capacity to 2.6 million TEU, has been developed to meet long-term demand and capacity requirements for 15 years or more. When that capacity is exceeded, POTL has the option to convert portions of the Mount Maunganui wharves to container-handling functions;
- > The economic benefits of the Project, once operational, would consist of:
 - Increased tonnages handled annually through POTL, enabling more timely and direct access to Port services for businesses in surrounding regions;
 - Increased access for larger container vessels, improving the frequency, reliability and shipping rates for services through the Port; and
 - Improved security on the single tanker berth and improved adaptability to changes in mixed product composition on the Mount Maunganui Wharf.
- > **If the Project is not consented and constraints at other ports continue to limit the scope for diverting trade elsewhere, the annual economic loss could be a reduction in national GDP in the range of around \$790 – \$1,180 million per year and rising from the early 2030s, extending beyond the local scale and covering direct and indirect impacts across New Zealand.**

6.5.4 Recommendations and Mitigation Measures

As the Project's economic effects are positive, there are no recommendations for remediation or mitigation measures to be applied on economic grounds.

6.6 MARINE ECOLOGY EFFECTS

6.6.1 Scope of Assessment

The Assessment of Effects on Marine Ecology (**Appendix 14**) draws on a comprehensive body of relevant scientific reporting about Te Awanui/Tauranga Harbour, including reporting prepared in support of POTL's previous direct referral application for an earlier version of this Project and other scientific literature and reports.

The marine ecology assessment considered the following effects:

- > Effects on coastal processes;
- > Increased concentration of total suspended sediment (including assessment of resuspended sediment) during dredging, reclamation and installation of permanent structures;
- > Permanent loss of benthic CMA due to reclamation and permanent occupation;



- > The mortality and disturbance of benthic invertebrates within the areas of reclamation, permanent occupation, and dredging;
- > The shading of the pelagic CMA by wharf structures;
- > Underwater noise and vibration during piling activities and dredging operations; and
- > Cumulative effects.

6.6.2 Environmental Effects Identified

Table 10 of the Assessment of Effects on Marine Ecology (**Appendix 14**) - replicated below as Table 21 - details:

- > The potential effects identified;
- > The value of ecological features (all impacted features were assessed as having a “high” ecological value);
- > The magnitude of effect in the context of (a) the scale of Stella Passage; and (b) the scale of the southern Te Awanui/Tauranga Harbour; and
- > The level of adverse effect, with and without the benefit of mitigation measures.



Table 21: Summary of Marine Ecology Effects.

| Potential Effect | Ecological Value | Magnitude of Effect | Level of Effect without Mitigation | Residual Effect with Mitigation |
|---|------------------|--|---|---------------------------------|
| Coastal Processes Effects from dredging, reclamation and wharf extensions. | High | Negligible (Stella Passage and southern Te Awanui) | Very Low | Nil |
| Reclamation (3.58 ha) and Permanent Occupation (0.08 ha) (Including the loss of soft sediment and hard substrate communities. Soft sediment communities will naturally recolonise the sandy benthos. Hard substrate communities will also naturally recolonise new wharf piles). | High | Low and temporary (1-3 years) (Stella Passage and southern Te Awanui) Very Low (>3 years) (Stella Passage and southern Te Awanui) | Low short term Very Low longer term The new wharf structures must have similar light and shade and similar hard surfaces (type and area) as the existing wharf structures. Natural restoration of hard shore communities will occur on the new pile structures beneath the wharf extensions, with no long-term loss of biodiversity, so long as the same available habitat is provided on a 1:1 basis. | Nil |
| Mortality and disturbance of benthic invertebrates within the dredge areas | High | Low magnitude of effect (1-3 years) immediately with removal of biota and elevated TSS affecting the area (Stella Passage and southern Te Awanui). | Low short term Very Low longer term | Nil |



| Potential Effect | Ecological Value | Magnitude of Effect | Level of Effect without Mitigation | Residual Effect with Mitigation |
|--|------------------|--|------------------------------------|---------------------------------|
| | | Very Low magnitude of effect (>3 years) longer term with natural recolonisation and restoration of dredged areas (within three years) (Stella Passage and southern Te Awanui). | | |
| Extension of harbour edge (which is already modified) further into the harbour | High | Negligible (Stella Passage and southern Te Awanui) | Very Low | Nil |
| Effects of shading on biota beneath the new wharf extensions (24,853 m2). | High | Low (Stella Passage and southern Te Awanui) Invertebrates, macroalgae and fish that are adapted to reduced light will colonise the new piles and habitat beneath | Low | Nil |
| TSS effects on benthic invertebrates (including pipi on Te Paritaha and cockles adjacent to Whareroa Marae), fish, macroalgae and seagrass from dredge activity. | High | Low and temporary (Stella Passage and southern Te Awanui) | Low | Nil |
| Contaminant availability in sediment within the dredge locations. | High | Negligible (Stella Passage and southern Te Awanui) | Very Low | Nil |
| Deposited sediment from dredging TSS | High | Negligible (Stella Passage and southern Te Awanui) | Very Low | Nil |



| Potential Effect | Ecological Value | Magnitude of Effect | Level of Effect without Mitigation | Residual Effect with Mitigation |
|--|------------------|--|------------------------------------|---------------------------------|
| Effects on water quality and sediment quality | High | Negligible (Stella Passage and southern Te Awanui) | Very Low | Nil |
| Effects of marine vessels that are involved in dredging (or other construction) on the risk of invasive species (at the Southern Te Awanui scale). | High | Negligible (Stella Passage and southern Te Awanui) | Very Low | Nil |
| Effects of noise during piling for wharf extensions on marine | High | Low (Stella Passage and southern Te Awanui) | Low | Nil |
| Cumulative effects | High | Low (Stella Passage and southern Te Awanui) | Low | Nil |
| Including additional activities that impact on the cumulative ecological values - reclamation (3.58ha), permanent occupation (0.08ha), dredging (10.55ha) shading of pelagic environment by wharf extensions (20,760m2) and shoreline modification of an already modified shore. | | | | |



6.6.3 Assessment of Effects on Marine Ecology

The summary presented at section 7.3 of the Marine Ecology Assessment (**Appendix 14**) states:

On balance, looking at the Stella Passage Project at the southern Te Awanui scale, I do not consider that the effects of the dredging, reclamation/occupation are more than minor on marine ecological values. This assessment conclusion is because:

- 1. The reclamation and occupation are an expansion of a precedent reclamation/occupation in a context already highly modified (Stella Passage).*
- 2. The reclamation and occupation will not affect a natural harbour edge (because it occurs on a coastal edge that has already been modified/reclaimed).*
- 3. The benthic soft sediment and hard shore invertebrates and fish species potentially impacted by the dredging, reclamation and occupation of the CMA are common both in Stella Passage and in the Southern Harbour.*
- 4. There are not predicted to be wide-ranging effects on any species or habitat outside of the dredging, reclamation and occupation footprint.*
- 5. The reclamation and occupation will not affect coastal processes, particularly the movement of water, sediment and organisms through Stella Passage and the southern Te Awanui.*
- 6. The dredging, reclamation and occupation will not have any foreseeable cumulative/synergistic effects with other environmental stressors such as climate change, habitat degradation (e.g., the discharge of sediment and contaminants from land), fish stocks etc and it will not affect species with known decline trends (e.g., pipi on Te Paritaha and seagrass).*

The marine ecology assessment concludes that “*The adverse effects on marine ecological values identified range from Low to Very Low levels of effect following management measures*”.

6.6.4 Recommendations and Mitigation Measures

6.6.4.1 Management recommendations - turbidity

The marine ecology assessment recommends similar or identical turbidity management measures to those that have proven successful in past dredging operations at the Port. These measures revolve around the monitoring of turbidity at locations near the dredging footprint, and a response framework triggered by increasing turbidity as follows:

- > First tier of trigger levels – elevated turbidity is investigated, and the impacts of continued dredging are assessed;



- > Second tier of trigger levels – the dredging methodology is modified. This may involve (for example) relocating the dredge, using different equipment, modifying the frequency of the dredging, or a combination of these and any other appropriate measures; and
- > Third tier of trigger levels – dredging ceases until turbidity reduces to an appropriate level.

These measures are provided for in the proposed Regional Council consent conditions (**Appendix 5**).

6.6.4.2 Management recommendations - hard shore habitat

To remedy the loss of hard shore habitat caused by the shading effects of the wharf extensions, the marine ecology effects assessment recommends that the design of the wharf extensions should allow for the same type and area of shade/light environment, the type of structural material and the area of pile (all supplied on a 1:1 basis (existing and new)).

The proposed consent conditions require that the design statement for the Project must include *“A description of how the wharf structures authorised by this consent will be constructed with light, shade and hard surfaces similar to existing wharves”*.

Implementation of these measures is expected to support the natural recovery of biodiversity beneath the existing wharves that is being covered/shaded is expected to colonise the new wharf extensions on the open harbour edge within c. 3 years.

6.7 MARINE MAMMAL EFFECTS

6.7.1 Scope of Assessment

The Assessment of Effects on Marine Mammals (**Appendix 14**) appraises the available marine mammal data for Te Awanui/Tauranga Harbour and surrounds and describes what is known about marine mammal occurrence in and around the Project area.

It then assesses the Project’s actual and potential environmental effects and provides recommendations to ensure that effects on marine mammals can be managed to acceptable levels.

6.7.2 Environmental Effects Identified

The potential environmental effects of the Project on marine mammals were considered in the context of expected marine mammal presence and significance of the Project area as marine mammal habitat. To enable this analysis, marine mammal occurrence and habitat use was determined using Department of Conservation (“**DOC**”) sighting and stranding data



and published and unpublished literature. An Area of Interest (“**AOI**”) was defined to encompass the coast from the north end of Waihi Beach to a point just east of Maketu, including a 20 km buffer offshore. However, sightings within Te Awanui/Tauranga Harbour were further interrogated to gain a more comprehensive understanding of how frequently species occur here, noting that marine mammals present inside the harbour are most likely to be exposed to effects of the Project activities.

Notably, there are no resident populations of marine mammals present anywhere in Te Awanui/Tauranga Harbour. Sightings data and acoustic monitoring data indicate that only dolphins (mostly bottlenose), killer whales and New Zealand fur seals occasionally use waters inside Te Awanui/Tauranga Harbour, despite the high existing levels of shipping traffic there. Overall, waters of the AOI are used by at least 20 marine mammal species for foraging, breeding, resting and migratory behaviours. However, this habitat has not been specifically identified as ecologically significant to any marine mammal (relative to other habitat along the east coast of the North Island). All species that use the AOI have large home ranges, so the AOI only represents a very small part of their overall distribution.

The Project’s actual and potential effects on marine mammals were identified as:

- > Underwater noise;
- > The presence of objects in the water column;
- > Habitat modification;
- > Ship strike;
- > Exposure to contaminants;
- > Marine debris;
- > Artificial lighting; and
- > Cumulative effects.

6.7.3 Assessment of Effects on Marine Mammals

Assessment results for each of the potential effects are summarised in Table 22 below. The assessment concludes that, subject to the adoption of the recommended mitigation measures, the likelihood of adverse effects occurring to marine mammals from the Project activities are (at worst) moderate to remote and the magnitude of any adverse effects that do occur will be (at worst) minor or negligible.



Table 22: Summary of Assessment of Effects Results for Marine Mammals.

| Potential Effect | Summary of Recommended Mitigations | Likelihood of Effect | Magnitude of Effect |
|---|---|----------------------|---------------------|
| Underwater noise from dredging | Regularly maintained dredge equipment. Compliance with the Marine Mammal Protection Regulations 1992 (“ MMPR ”). | Low | Negligible |
| Underwater noise from pile driving | Marine Mammal Observer on-watch before and during piling. Implementation of soft start procedures. Implementation of Shutdown Zones. Carefully select pile driving equipment. Minimise daily piling duration/strike rate. Use cushion blocks and bubble curtains. Alert system for marine mammal sightings in Te Awanui/Tauranga Harbour. Conduct inner harbour observations. Keep records of sightings and mitigations. Validate model predictions. Compliance with Marine Mammal Management Plan. | Moderate | Minor |
| Presence of structures in the water column | None. | Low | Minor |
| Habitat modification | None. | Remote | Negligible |
| Ship strike – during active extraction | Compliance with the MMPR. | Remote | Negligible |
| Ship strike – during transit to disposal site | Compliance with the MMPR. | Low | Minor |
| Exposure to contaminants | None. | Remote | Negligible |

| Potential Effect | Summary of Recommended Mitigations | Likelihood of Effect | Magnitude of Effect |
|---------------------|--|----------------------|---------------------|
| Marine debris | <p>Comply with MMPR and any other relevant legislative requirements.</p> <p>Retrieve any waste or equipment lost to sea if safe to do so.</p> <p>Retrieve marine debris whilst dredging.</p> | Remote | Negligible |
| Artificial lighting | None. | Remote | Negligible |
| Cumulative Effects | None. | Moderate | Minor |

6.7.4 Recommendations and Mitigation Measures

The mitigation measures summarised in Table 22 above are recommended to minimise any potential adverse effects on marine mammals from the Project.

Of the effects identified, underwater noise from pile driving has the greatest potential to adversely affect marine mammals. Unmitigated pile driving noise could have significant adverse effects on marine mammals that may be present in Te Awanui/Tauranga Harbour during pile driving activities. To address this, conservatively designed underwater acoustic modelling (provided in the appendices to the Marine Mammals Assessment at **Appendix 6** to this report) was used to predict the spatial extent over which underwater noise effects (physical, behavioural) could occur.

Modelling results were used to underpin the development of mitigation zones that should be implemented during pile driving to protect marine mammals from auditory injury. With adoption of the mitigation zones, the potential effects on marine mammals of underwater noise generated by pile driving are considered to be of a minor magnitude.

Except for the recommendations pertaining to dredging (which are best dealt with through, and are specified in, the proposed consent conditions), the recommended mitigation measures are detailed in a Marine Mammal Management Plan appended to the Marine Mammal Assessment (**Appendix 6**). The proposed consent conditions require adherence to the Marine Mammal Management Plan and the management measures set out within the proposed Regional Council consent conditions (**Appendix 5**).

6.8 AVIFAUNA EFFECTS

6.8.1 Scope of Assessment

The Assessment of Effects on Birds (**Appendix 2**) appraises the available avifauna data for the Port and surrounds, including data yielded from regular surveys of the sand pile at Sulphur Point and the rock wall at the Mount Maunganui wharves, to describe what is known about avifauna in and around the Project area. It then assesses the Project's actual and potential environmental effects and provides recommendations to ensure that effects on avifauna can be managed to acceptable levels.

An Avifauna Management Plan (**Appendix 2a**) accompanies the Assessment of Effects on Birds (**Appendix 2**). Key aspects of the Avifauna Management Plan are the measures recommended to:

- > Enable POTL to continue storing and removing sand at the sand pile (for beach renourishment) while the sand pile is also used by birds;
- > Establishment of new penguin nesting boxes and habitat at Butters Landing; and
- > Establishment of approximately 200 m or equivalent surface area of existing rock wall to provide a new location for the tarāpunga/red-billed gull colony displaced by the Mount Maunganui reclamation and wharf development.

POTL engaged a technical peer review of the Assessment of Effects on Birds and the management plan, provided as **Appendix 2b** to this report. The review concluded:

In my opinion, the Avifauna AEE and associated Management Plan build on knowledge of proven relocation techniques used elsewhere. The assessment and recommended management measures are well thought through and will result in enhanced habitat for these and other bird species. While there will be a short-lived disturbance, I agree with the conclusion that the adverse effects of the Stella Passage Development on birds will be avoided or less than minor.

6.8.2 Environmental Effects Identified

6.8.2.1 Sand pile

Birds using the sand pile at the Port for roosting and/or breeding will be exposed to significantly higher levels of activity and noise, including vehicle movements and pile driving, for a construction duration that will include breeding and non-breeding periods.

However, species currently using the sand pile are already subjected to unavoidable disturbance and noise from existing wharf activities – which is not a direct result of the Project for which consent is being sought. Tara/white-fronted terns, tūturiwhatu/northern



New Zealand dotterels, tarāpunga/red-billed gull and tarāpuka/black-billed gulls have bred successfully within metres of working wharves, indicating that these species can tolerate intermittent but high levels of human disturbance of this type. This is in contrast to, for example, people walking or driving through colonies, causing destruction of nests, and sometimes abandonment of the colony.

Given the almost constant presence of high numbers of kuaka/eastern-bar tailed godwits during surveys, it is predicted that this species is relatively tolerant of wharf activities, and will continue to use the sand pile during construction and subsequent Port operations. Kuaka/eastern bar-tailed godwits have previously been recorded roosting on cargo shed roofs (2010-2018), and tōrea pango/variable oystercatcher have been recorded roosting at various sites within the Port, including the container terminal and between Berths 1-8 at Sulphur Point. These birds may temporarily relocate to a roof due to Project-related disturbances near the sand pile but there is no requirement to intervene if they do not move.

The southernmost section of the Sulphur Point wharf extension and associated reclamation will be adjacent to the sand pile and therefore more visible to birds. Earlier sections of the wharf development will have introduced birds to the increased activity and noise, leading to further habituation. The predicted effect of the latter (more southerly) sections of wharf construction on avifauna will be minor due to proximity to the sand pile. This effect will be temporary, ceasing when the reclamation and wharf construction works finish. Bird use of the sand pile is expected to return to previous levels after construction ends.

While bird species' responses to reclamation and wharf construction are uncertain, many species are relatively tolerant. It is possible that temporary minor (for the southern-most section of the wharves) effects may occur, and consequently some birds may move elsewhere to breed and roost. However, as a temporary disturbance, it is predicted that use of the sand pile will be unchanged from previous levels once works end. Moreover, because birds shift nesting areas (tara/white-fronted terns) or move frequently between roost sites (kuaka/eastern bar-tailed godwits, tūturiwhatu/northern New Zealand dotterel), attributing changes to the effects of construction associated with the Project would be difficult.

Acknowledging that consent is not sought or required for vessel movements in the Port Zone, it is unlikely that activity associated with dredging in Stella Passage will disturb birds at the sand pile, given they are habituated to regular boat movements. The predicted effect of dredging on avifauna is that it will be less than minor and difficult to detect.

For completeness, the Assessment of Effects on Birds also considers the potential effects of artificial lighting on avifauna, albeit no resource consent is required for the installation and operation of artificial lighting at the Port.

Artificial lighting at night can attract or disorient birds, obscuring natural navigational aids and leading to collisions, exhaustion from reduced fuel stores, and diverted or delayed migration. As some bird species reproductive success is influenced by nocturnal activities, artificial light at night can negatively impact their reproductive output. The Avifauna Management Plan (**Appendix 2a**) provides measures, volunteered by POTL, to reduce these effects. The proposed consent conditions require all Management Plans to be certified and then complied with at all times.

6.8.2.2 Mount Maunganui Wharves

Construction of the 315 m long wharf extension will remove the section of rock wall occupied by the tarāpunga/red-billed gull colony, and the colony will have to relocate. To address this, POTL will modify/create approximately 200 m of equivalent rock wall south of the present colony site. This will enable the gulls to shift to an adjacent, largely identical site. Nevertheless, individuals may select another location in the Port such as a cargo shed roof, or another relatively undisturbed location with suitable surfaces for breeding.

Previous surveys have also identified the presence of kororā/blue penguin burrows in the rock wall. Potential adverse effects of the Project – specifically, removal of the rock wall - on kororā/blue penguin in the rock wall are:

- > Injury or mortality of eggs, chicks, and adults from the dismantling of the existing rock wall. This assumes that work during the breeding season will not be able to be avoided. Adults may be affected at any time of year;
- > Permanent loss of available breeding habitat; and/or
- > Disturbance of adjacent breeding birds during the construction period.

As for the sand pile, it is anticipated that dredging activity in Stella Passage will not disturb birds at the Mount Maunganui wharves, given their habituation to regular boat movements.

6.8.3 Assessment of Effects on Birds

Subject to the implementation of the mitigation measures recommended in the next section and detailed in the Avifauna Management Plan (**Appendix 2a**), the Project is assessed as having temporary and less than minor adverse effects on avifauna. The proposed mitigation measures will enhance the outcomes for all birds.

Further, as the Project's adverse effects are low, and given the range of other influences on birds, the Assessment of Effects on Birds concludes that it would be difficult to directly attribute changes in a bird's use of the Port 'habitat' to the Project.

6.8.4 Recommendations and Mitigation Measures

The Avifauna Management Plan (**Appendix 2a**) recommends comprehensive effects management measures for the sand pile and the Mount Maunganui wharves, given these are the key sites used by avifauna that interface with the Project. The recommended effects management measures are summarised below.

6.8.4.1 Sand pile

Acknowledging the Project does not directly impact the sand pile, mitigation measures for birds at the sand pile are described below.

Management and Use of the Sand Pile

- > Addition and removal of sand from the sand pile must only be undertaken during the non-breeding season, which includes April, May, June and July;
- > Sand removal for beach nourishment should be undertaken mainly at the northern end of the sand pile, to allow birds to roost at the greatest distance from East Road;
- > Sand removal for beach nourishment must only be accessed from East Road (at the northern end of the sand pile). The sand pile can slope towards the southern end, subject to the gradient being gentle and the overall height being comparable to the northern aspect, as birds will roost on the raised area;
- > Maintain an overall sand pile size, shape, and volume to provide a high-tide roost or nesting site during the breeding and non-breeding seasons;
- > Maintain the sand pile with undulating topography to restrict sight lines so that multiple bird species can utilise the site with minimal conflict;
- > The sand pile's height can be altered to allow for sand associated with beach renourishment and to maintain a minimum footprint of 5,000 m² (i.e. sufficiently large for a roosting/breeding area, including a buffer zone). This area must be a single body/island of sand and should be as square as practicable (avoid increasing the current width to length ratio);
- > When the sand pile is predominantly situated towards the southern end footprint - more than 50 m from East Road - the sand pile height can be reduced to a minimum overall height of 0.5 m above MHWS;
- > Excavation and formation of the sand deposition 'bath' should only be undertaken within five days prior to pumping of sand into the site;



- > A daily pre-works survey must be undertaken by a POTL bird survey staff member or another suitably qualified ornithologist, prior to works commencing, to ensure that no birds are roosting on the sand pile;
- > If any Threatened or At-risk species are present within the sand pile site, works cannot commence. If a non-Threatened species is present, a minimum setback distance of at least 25 metres will need to be maintained between these birds and all operating machinery;
- > Works should be carried out within the period four hours on each side of low tide, when birds will have left the high-tide roost to forage;
- > If works are not completed before the two hours each side of high tide, a POTL bird survey staff member or another suitably qualified ornithologist must be on-site to monitor any birds returning to the roost site and to ensure that work has a separation distance of at least 25 m from any returning birds, and does not disturb them; and
- > If birds are present, works will not be able to commence unless the birds leave of their own accord. Authorisation under the Wildlife Act could be sought to allow disturbance of birds but this should not be necessary if the parameters above are implemented.

Noise

- > Continue to use shipping containers as a protective barrier to provide a noise buffer from general Port activity;
- > Road traffic should approach and pass the sand pile at speeds not exceeding 30 km/h;
- > Port activities within 100 m of the edge of the sand pile should be undertaken at as low a noise level as practicable, as experienced at the sand pile; and
- > Container grinding, and container structural repair should not be undertaken closer than 50 m and 100 m, respectively, from the sand pile.

Pest Animal Control

- > Control of feral cats, rabbits, rats, mustelids and hedgehogs using traps and toxins;
- > Maintain the prohibition of dogs;
- > Carry out culls of karoro/southern black-backed gull if individuals are observed predating eggs or chicks of shorebird species; and
- > Maintaining a record of pest control measures to assess effectiveness and whether any changes in trap location, type or clearing/maintenance frequency are required.



Pest Plant Control

- > Non-breeding season (April, May, June, and July): in the non-breeding season, pest plants should be removed during the period four hours either side of low tide. It may be appropriate to undertake mechanised removal. All plant material must be removed and disposed of off-site. Spot-spraying could be undertaken using a biodegradable herbicide as a last resort if hand or mechanical removal is less effective; and
- > Breeding season (August – March inclusive): pest plant removal should only be undertaken by hand-pulling, hand-cutting or raking. All plant material must be removed and disposed of off-site.

Bird Monitoring

- > Maintain the current survey program that operates at the sand pile. This entails weekly surveys during breeding season and fortnightly surveys in the non-breeding season.

6.8.4.2 Mount Maunganui – Kororā/Northern blue penguin

The Avifauna Management Plan (**Appendix 2a**) management measures regarding penguins within the section of rock wall affected by the Mount Maunganui wharf extensions are summarised below.

Before the rock wall is dismantled to enable wharf construction:

- > The area will be surveyed twice in the peak breeding season (October and December) using a conservation dog trained to locate kororā/penguin burrows, and GPS coordinates are to be recorded for all burrows;
- > A new nesting box colony (13 boxes) will be developed adjacent to the Butters Landing offices and workshop, designed and landscaped to provide easy penguin access to burrow habitat;
- > Potential burrows in the affected area will be located by a conservation dog at the start of the *non*-breeding season (April to June) and checked using a burrowscope. Any kororā/blue penguins detected in the rock wall will be relocated to the nesting box colony. Then, all burrows, including any potential roosting crevices, will be wrapped to prevent bird access.
- > While dismantling the rock wall, a qualified kororā/penguin handler will be available to relocate any birds to the nesting box colony at Butters Landing; and
- > The penguin population will be surveyed twice in the first two breeding seasons after construction of the Mount Maunganui wharves ends (e.g. October and December), to



confirm whether the birds have taken up residence in any new areas, such as the substitute rock wall to be established for tarāpunga/red-billed gulls (discussed below).

6.8.4.3 Mount Maunganui – tarāpunga/red-billed gulls

Before the rock wall hosting the gull colony is removed, POTL will construct an equivalent surface area of rock wall a short distance to the south of the dismantled wall, closer to the Tanker Berth (shown on Figure 16). This will provide gulls with a nearby substitute site to occupy.

The rock wall must be dismantled outside of the breeding season, and the timing must also align with the non-breeding season of the kororā/blue penguin (i.e. April-June, inclusive). The wrapping of the rock wall in the non-breeding season (to discourage penguins from accessing burrows) will also influence tarāpunga/red-billed gulls to relocate.

The birds will be encouraged to relocate to the substitute wall through a combination of gull decoys and a stereo system playing recordings of gull calls at colonies, timed to commence no later than July as birds return to the site to begin breeding.

Demolition activity at the current colony location will also influence gulls returning to the area to seek new roosting and nesting sites, such as the substitute rock wall created nearby.

6.8.4.4 Artificial lighting at night

Noting that the potential effects of night lighting are outside the activities for which authorisation is being sought, if the following measures are implemented, the effects of artificial lighting at night on birds are expected to be minor.

- > Floodlights should be fully shielded and mounted horizontally, avoiding upward illumination and minimising horizontal light spread;
- > Use of low colour-correlated temperature for LEDs (preferably 3,000 K; warm light), no greater than 6,000 K. If up to 6,000 K is used, control the light spread and intensity;
- > All lights must have as little or no short wavelength (380-500 nanometres) violet or blue light;
- > Light intensity and the number of lights used should be sufficient to only light the intended object or area;
- > Use motion sensor lighting where practicable, as well as high quality, low glare lighting; and
- > Non-reflective paint should be used when repainting storage tanks, buildings, and other structures.

These measures are detailed in the Avifauna Management Plan (**Appendix 2a**).

6.9 HYDRODYNAMIC AND SEDIMENTATION EFFECTS

6.9.1 Scope of Assessment Undertaken

The Assessment of Effects on Hydrodynamics and Sedimentation (**Appendix 13**) assesses the effects of the dredging and reclamation components of the Project on the generation of turbid plumes and sediment deposition (sedimentation), and on patterns of currents (hydrodynamics), within Te Awanui/Tauranga Harbour.

6.9.2 Environmental Effects Identified

The Project requires dredging and reclamation on both sides of Stella Passage. Apart from the effects of scale (i.e., larger or smaller reclamations), the potential environmental effects are the same on either side.

During dredging and reclamation, potential impacts include excavation of benthic biota and the release of contaminants into the water column including suspended sediment (turbidity) and dissolved or absorbed materials such as heavy metals, hydrocarbons and pesticides.

During the post-dredging or recovery phase, the main potential impacts within Te Awanui are changes to the tidal circulation and sediment transport; changes to the behaviour of depth dependent phenomena, such as waves and storm surges; and changed patterns of erosion and accretion. These impacts tend to be long-term and may not manifest immediately after dredging and reclamation activities are completed.

6.9.3 Assessment of Environmental Effects

6.9.3.1 Sedimentation

Discharge of fines as a turbid plume from a TSHD or a BHD is the dominant potential environmental impact. The dredging plumes are largely confined to the deeper parts of channels downstream from the dredge due to their density and the use of controlled overflows from the dredge hopper. Most sediment within the plumes is deposited on the seafloor close behind the dredge.

Computer modelling, and observations during previous maintenance and capital dredging projects, shows that negligible sediment is transported into shallow subtidal and intertidal areas that could potentially be adversely affected. The available data indicates that the range of natural turbidity within Te Awanui/Tauranga Harbour exceeds TSHD turbidity levels outside the mixing zone (of up to 200 m upstream and 600 m downstream of the dredge).



On this basis, the Project's effects on sediment deposition processes in Te Awanui/Tauranga Harbour are assessed as being very low outside the confines of the existing channels. With adherence to the recommended mitigation measures, these effects would reduce to negligible.

6.9.3.2 Hydrodynamics

Numerical modelling and measurements taken before and after previous capital dredging campaigns shows that the effects of dredging on hydrodynamics are predominantly confined to the channels within the Port area of Te Awanui/Tauranga Harbour.

Modelling specifically developed for the Project shows a reduction in peak tidal velocities, and a small change in the durations of ebb and flood flows resulting from the dredging. The changes are at the limit of resolution of available instrumentation, and are less than the natural weather-induced variations.

On this basis, effects on hydrodynamic processes in Te Awanui/Tauranga Harbour beyond the shipping channels are assessed as negligible. Within the shipping channels, effects are assessed as very low to low.

6.9.3.3 Reclamation

Observations of previous pile-driving for construction of wharves, Tauranga Harbour Crossing, and Tauranga Bridge Marina indicate very localised sediment disturbance, and no significant plume generation.

Driven steel tubes will be used, instead of the "jetting" method of pile installation which disturbs more sediment around the pile. Turbidity levels will be monitored in the vicinity of the pile driving and reclamation when marine sediment is being transferred ashore and dewatered.

As the reclamation sediment plumes are smaller scale than the TSHD plumes, the effects are expected to be less than minor.

With regard to flow velocities through Stella Passage, as the area increase due to dredging is larger than the area reduction due to reclamation, velocities should decrease overall.

6.9.3.4 Contamination

The sediment to be excavated is mainly pristine Pleistocene terrestrial and marine sediments that contain no anthropic contaminants. The potential presence of contaminants is limited to the 0.2 m - 0.5 m thickness of surficial sediments disturbed by sediment transport, bioturbation, and anthropic activities. When disturbed by dredging, these

sediments will be diluted with deeper uncontaminated sediment, and largely completely confined to the dredge hopper for disposal. Anthropogenic contaminants are potentially present in the surficial Holocene grey sands. However, previous assessments have found concentrations to be very low and it is unlikely that dredging will release detectable levels into the water column.

6.9.4 Recommendations and Mitigation Measures

6.9.4.1 Sedimentation

Turbidity produced by dredging can be controlled by the following management measures:

- > Overflow with constrictions to reduce plume buoyancy;
- > Limited overflow duration to control the total volume of sediment introduced into the plume; and
- > No overflow.

If necessary, when dredging with overflow the direction of plume movement can be controlled by restricting dredging to certain parts of the tidal cycle (e.g. ebb tide only).

Control measures (similar to those previously applied to dredging activities in Te Awanui/Tauranga Harbour) should require utilising an overflow approach and tidal state condition that minimises the amount of sediment potentially affecting areas of concern, combined with monitoring (observers and instrumentation) that can trigger appropriate avoidance approaches if necessary. These controls are appropriate to apply to the Project, albeit with a requirement to review the trigger levels that prompt management measures to be initiated if new potential impacts of turbidity are identified.

6.9.4.2 Hydrodynamics

No mitigation measures are required in relation to effects on hydrodynamic processes, due to the Project's negligible hydrodynamic effects beyond the shipping channels.

6.9.4.3 Contamination

No mitigation measures are required in relation to potential contamination, due to the Project's negligible contamination impacts and given disposal activities are controlled by a separate resource consent.

6.10 NAVIGATION EFFECTS

6.10.1 Scope of Assessment

The Navigation Safety Assessment (**Appendix 19**) considers impacts on other harbour users, and predicted changes to tidal movements, associated with the Project.

6.10.2 Environmental Effects Identified

The following potential navigational risks were identified:

- > An increased frequency of vessels (by one or two vessels a day above current levels) in the shipping channel;
- > The larger-sized vessels that would be able to visit after the wharf extensions are complete;
- > Potential navigational risk to other ships using the shipping channel while capital or maintenance dredging is underway;
- > The presence of recreational craft anchored in the shipping channel to fish; and
- > Changes to the shipping channel extent and tidal flows.

6.10.3 Assessment of Effects on Navigation

6.10.3.1 Effects of additional vessel visits

The increased frequency of vessel visits (approximately 24 additional vessel calls per month, i.e. about 1 additional vessel daily), and the larger size of vessels, are assessed as presenting negligible adverse effects on navigation undertaken by other harbour users. The total number of vessels transiting the channel will remain below the peak of vessel traffic, which was handled without incident in 2012, during the *Rena* grounding response.

The additional vessel traffic generated by the Project will be relatively large and slow moving (especially during turning and berthing manoeuvres) vessels, this which further reduces any navigational risks.

In comparison, for the year after the *Rena* incident in October 2011, vessel traffic of up to 219 vessels/month occurred, particularly between November 2011 to May 2012 when monthly vessel traffic averaged 204 vessels/month. Vessel traffic peaks occurred in November 2011 at 215 vessels, 219 vessels in January 2012, then 213 and 212 vessels in February and May 2012 respectively. This traffic included vessels of all sizes, not only the very large, slow-moving cargo vessels that would attend the extended wharves constructed by this Project.



6.10.3.2 Effects of dredging activities

Dredging operations present a potential navigational risk to other vessels using the shipping channel. This is not a new impact for harbour users, and the same risks as presented by capital dredging arise and are managed when maintenance dredging occurs in the shipping channel every year. While the proposed capital and maintenance dredging will occur beyond the existing extent of the shipping channel, the navigation risks are the same and the existing, proven controls (which are described below) will be implemented. The effects are therefore assessed as negligible.

6.10.3.3 Effects on recreational users

Recreational use of the shipping channel (i.e. recreational craft anchored to fish) is limited by harbour rules requiring anchored vessels to be kept ready to make immediate departure, with an anchor watch maintained at all times.

As for past dredging campaigns, the deployment of advisory signage at ramps and the maintenance of communications with marina management will enable POTL to manage any such risk without incident. Final recourse to enforcement by the Harbour Master is also available for illegally anchored vessels. Past use of these management measures has resulted in negligible adverse effects on navigation.

More broadly, the Port and its activities are a well-established presence in this part of the harbour. Other harbour users are aware of Port activities and must observe maritime regulations in a similar manner to vessels visiting the Port.

6.10.3.4 Effects of modifying the shipping channel

Modification of the shipping channel will necessitate changes to navigation beacons, so that harbour users can understand the changes to the channel's dimensions.

The existing yellow special purpose beacon indicating the end of the shipping channel and used as a transit marker will be shifted to match the staged development, as the shipping channel is dredged, to mark the new end of the shipping channel.

The proposed consent conditions include a requirement that the proposed site for relocation of the special purpose beacon shall be approved by the Bay of Plenty Regional Council's Harbour Master prior to the relocation of the beacon.

The change in tidal flow resulting from the extension to the existing channel (described in the Hydrodynamic and Sediment Effects Assessment (**Appendix 13**)) is not expected to introduce any new navigational hazard to those which already exist in Stella Passage.

6.10.4 Recommendations and Mitigation Measures

The navigation risk assessment reveals that the partial adverse effects of the Project are largely mitigated by the requirements for all harbour users to observe the applicable boating regulations and bylaws.

Nevertheless, some Project-specific mitigation measures are recommended as below:

- > Before dredging works commence, POTL must notify harbour users (by various means) of the presence of dredging vessels;
- > Dredging vessels to operate under the same operational controls as the vessels currently transiting the shipping channels;
- > Dredging vessels to adhere to the applicable maritime rules and regulations; and
- > Provision for relocation of the yellow special purpose beacon to be approved by the Harbour Master, as described earlier.

6.11 LANDSCAPE AND NATURAL CHARACTER EFFECTS

6.11.1 Scope of Assessment

The Landscape Effects Assessment (**Appendix 17**) was prepared to address the landscape, natural character and amenity effects of the Project on the landscape and natural character values of Tauranga, Mount Maunganui and Te Awanui/Tauranga Harbour.

The methodology employed to assess landscape and natural character effects is consistent with *Te Tangi a te Manu*, the New Zealand Institute of Landscape Architects Landscape Assessment Guidelines published in May 2022 – including the scope of the assessment and its rating scale.

The assessment considered the impacts of the Project and the enabled activities (e.g., operation of the cranes, the presence of vessels, lighting associated with cranes) on numerous viewpoints from the surroundings, including the viewshafts specified in the TCP.

To draw conclusions on the Project's landscape and natural character effects, the assessment considered iwi and hapū management plans and published histories, the findings of other technical reports prepared in support of the Project and the RCEP Outline Development Plan, which specially anticipates the Project and was tested through the normal public notification and hearing processes.



6.11.2 Landscape and Natural Character Effects Identified

Eight viewpoint locations, considered to be representative of the key receiving environments for the Project, were defined for assessment purposes, notwithstanding that some components of the Project (the container cranes and rearranged light standards) would be visible from a wider range of vantage points. The viewpoints identified were:

- > Viewpoint 1. Whareroa Marae
- > Viewpoint 2. Tauranga Harbour Bridge
- > Viewpoint 3. Te Awanui Drive (immediately north of the Tauranga Bridge Marina)
- > Viewpoint 4. Mauao (southern peak lookout)
- > Viewpoint 5. The Mall (Mt Maunganui)
- > Viewpoint 6. Hewletts Road (near Tasman Quay)
- > Viewpoint 7. Coronation Pier (Tauranga CBD)
- > Viewpoint 8. Tauranga Bridge Marina

The assessment criteria used to assess effects from each viewpoint are shown below.



A. Existing Values:

- 1) *Perceived Biophysical Values: derived from landforms, vegetation cover, marine body, human elements: buildings / structures / activities*
- 2) *Other Experiential Values:*
 - *aesthetic value*
 - *legibility / memorability*
 - *expressiveness*
 - *naturalness / intactness*
 - *ephemeral / transient values*
 - *coherence*
 - *shared and recognised values*
 - *significant cultural locations / sites / associations*
 - *Te Awanui / Tauranga Harbour's identity and sense of place*

B. Visibility / Prominence:

- 3) *Relative to the visibility scale described below – influenced by:*
 - *The viewing distance from each viewpoint to the Port expansion areas*
 - *The viewpoint's elevation relative to that of the expansion areas*
 - *The natural orientation of views / outlook from the viewpoint*
 - *Weather / light conditions*

C. Landscape & Natural Character Effects:

- 4) *Any effects in relation to the port landscape's perceived biophysical characteristics and values: in particular, those related to Stella Passage's level of modification*
- 5) *Any effects in relation to the port landscape's other experiential and associative values*

Figure 82: Landscape & Natural Character Assessment Criteria.

Having considered the Project's landscape and natural character effects from the chosen viewpoints, the identified effects were summarised in table form, replicated below.

Table 23: Landscape Effects (from Landscape Effects Assessment Table 7A).

| | STAGE 1. Landscape Effects Ratings: | STAGE 2. Landscape Effects Ratings: |
|---------------------------------------|--|--|
| 1. Whareroa Marae | low | moderate |
| 2. Tauranga Harbour Bridge | low | low |
| 3. Te Awanui Drive | very low | very low |
| 4. Mauao | very low | very low |
| 5. The Mall, Pilot Bay | very low | very low |
| 6. Hewletts Road | very low | very low |
| 7. Coronation Pier | low | low |
| 8. Tauranga Bridge Marina | very low | very low |
| 9. Waikari Marae | very low | very low |
| 10. Hungahungatoroa Marae | very low | very low |
| 11. Maungatawa Marae | very low | very low |
| 12. Maungatapu Marae | very low | very low |
| 13. Ohauti Road | low | low |
| 14. Mt Maunganui's Residential Area | low | low |
| 15. Pilot Bay | very low | very low |
| 16. The Western Side of Sulphur Point | low | low-moderate |
| 17. Otūmoetai | low | low |

Table 24: Natural Character Effects (from Landscape Effects Assessment Table 7B).

| | STAGE 1. Natural Character Effects Ratings: | STAGE 2. Natural Character Effects Ratings: |
|---------------------------------------|---|---|
| 1. Whareroa Marae | very low | very low |
| 2. Tauranga Harbour Bridge | very low | very low |
| 3. Te Awanui Drive | very low | very low |
| 4. Mauao | very low | very low |
| 5. The Mall, Pilot Bay | very low | very low |
| 6. Hewletts Road | very low | very low |
| 7. Coronation Pier | very low | very low |
| 8. Tauranga Bridge Marina | very low | very low |
| 9. Waikari Marae | very low | very low |
| 10. Hungahungatoroa Marae | very low | very low |
| 11. Maungatawa Marae | very low | very low |
| 12. Maungatapu Marae | very low | very low |
| 13. Ohauti Road | very low | very low |
| 14. Mt Maunganui's Residential Area | very low | very low |
| 15. Pilot Bay | very low | very low |
| 16. The Western Side of Sulphur Point | very low | very low |
| 17. Otūmoetai | very low | very low |



6.11.3 Assessment of Effects on Landscape and Natural Character Values

6.11.3.1 Landscape Effects

The reasoning for the landscape effects ratings is outlined below.

- > The integration and visual merger of ‘new’ and ‘old’ berths / wharves, areas of hard standing, container handling areas, cranes, lighting, sheds and other structural elements in most views – including from the top of Mauao and The Mall’s beachfront;
- > The highly modified nature of Stella Passage and the Port environment clearly differentiates this part of the coastline from the rest of Te Awanui/Tauranga Harbour;
- > The highly modified and industrial nature of the immediate coastal hinterland behind and around the wharf expansion and reclamation areas;
- > The screening and filtering of views towards Stella Passage and (in particular) the Stage 2 development area at the southern end of the Sulphur Point wharf extensions, which will be visible from much of Whareroa Marae, by pohutukawa trees next to Te Awanui Drive. These are still growing, and will ultimately help to limit the effects of the southern portion of the Sulphur Point development on Whareroa Marae, albeit the trees will not screen all of the anticipated shipping and cranes that will be present at the southern end of Sulphur Point;
- > The clear point of division between Waipu Bay near Tauranga’s CBD and Stella Passage established by the Harbour Bridge and Whareroa Bridge;
- > The separation of development within most of the proposed development areas from key views of Mauao, including those from local marae (other than Whareroa) and other key vantage points;
- > The utilitarian environment that frames views from Hewletts Road and Te Awanui Drive – most notably on the Mount Maunganui side of the Tauranga Bridge Marina;
- > The flat viewing perspective past existing Port areas, buildings, structures and shipping into the Project footprint from many public vantage points, including those in the vicinity of Whareroa Marae, The Mall, the lower margins of Mauao, Hewletts Road, the Tauranga Harbour Marina, and most of the residential areas at Mount Maunganui and Otūmoetai, together with the western side of Sulphur Point;
- > The more positive spatial qualities associated with greater enclosure and definition of Stella Passage by the anticipated ships within Stella Passage – with the Project helping to enhance the waterway’s axial nature and form; and



- > The closer degree of contact with the Port's operational areas and activities that would be afforded by some public vantage points – that would be appreciated by some (though not all) viewers.

In summary, the Project's landscape effects would, for the most part, be of a very low to low order, including effects on viewshafts from local marae and other public vantage points to Mauao. These quite modest effects were identified in relation to areas near the existing port and Stella Passage that include most of Mount Maunganui, Pilot Bay, Otūmoetai and the Tauranga CBD.

The exception to this general situation is an effect on Whareroa Marae, comprising a landscape effect of a *moderate* degree resulting from the second stage of development at Sulphur Point (the southernmost 100 m of the Sulphur Point wharf extension). This particular effect would result from:

- > The presence of vessels using the expanded wharves, which is an activity permitted by the RCEP in the Port Zone, and furthermore is a transient effect, given ships are only present in this area while berthed; and
- > The proposed container cranes on the Sulphur Point wharf extensions - a restricted discretionary activity under the RCEP which is subject only to assessment matters limited to the safe management of flight paths to and from Tauranga Airport.

The adverse effects identified in relation to the shipping and cranes that would be visible from Whareroa Marae, would exacerbate the sense of intrusion and encroachment already of concern to marae representatives. In this regard, the pohutukawa trees growing near Te Awanui Drive will continue to offer a degree of screening between the marae and the southern section of Sulphur Point's development, but will not be large enough to screen all of the elements associated with the more southern elements of the Sulphur Point extensions.

6.11.3.2 Natural Character effects

The reasoning for the natural character effects ratings is outlined below.

- > The highly modified state of Stella Passage and its port margins, including the lining of most of its coastal edge by piled jetties, rock armouring, marina breakwaters, jetties and boat ramps;
- > The presence of berthed ships, moored vessels and areas subject to consented dredging within the current waterway;
- > A relative absence of natural vegetation that matches the highly modified state of local coastal landforms;

- > The limited presence of natural processes other than tidal movements and some wave fetch within the sea channel;
- > The alignment of the proposed activities and structures with those already found within Stella Passage; and
- > The highly developed and modified state of the immediate environment, which establishes a (low) natural character benchmark for Stella Passage and its immediate hinterland.

Above all else, the integration and consolidation of Port activities in part of the harbour that is already intensively developed for such activities is a key factor that drives the typically “low” landscape effects ratings and “very low” natural character effects ratings. This is aided by the buffering of the Project site and Stella Passage by two marinas, industrial premises and related uses around the periphery of Sulphur Point and the Mount Maunganui wharves. Tauranga Harbour is physically very extensive, and its coastline embraces a wide range of land uses and biophysical conditions. However, the area in and immediately around Stella Passage lies towards the bottom of the naturalness spectrum – both in relation to landscape values and natural character values. This is clearly reflected in the effects ratings for both.

The Port’s current activities and its future developments including this Project are expressly provided for by the Port Zone and Outline Development Plan in the RCEP, as well as by the Bay of Plenty Regional Policy Statement (“**RPS**”) (discussed in Section 10.5.7 of this report). Given the Project is specifically provided for by these planning instruments, and has been developed in accordance with these, the conclusions of the Landscape Effects Report about the low naturalness of the Port environs.

The Landscape Effects Report highlights that the Project would reinforce and consolidate public perceptions of an area that already has a clearly defined identity. The Project would not appreciably alter the identity and sense of place of part of Te Awanui/Tauranga Harbour that is already closely associated with the existing Port, and related maritime, operations.

Consequently, the Project’s natural character effects in relation to all viewpoints and receiving environments are assessed as being of a very low order.

6.11.4 Recommendations and Mitigation Measures

The Landscape Effects Report concludes that the Project’s landscape and natural character effects are acceptable without additional mitigation measures, noting the screening effect of pohutukawa trees next to Te Awanui Drive which are still growing, and the

appropriateness of mitigation measures associated with biophysical elements of the environment.

The moderate adverse landscape effect that is predicted to arise in views north-east from Whareroa Marae is driven by enabled activities that are either a permitted activity or subject to a restricted discretionary consent (which focus on airspace impacts) under the RCEP.

Consequently, this conclusion reflects the Project's integration into what is an existing, highly developed and modified Port environment, where the proposed development is anticipated by the RCEP Outline Development Plan for the Port.

6.12 CONSTRUCTION NOISE EFFECTS

6.12.1 Scope of Assessment

The Construction Noise Assessment (**Appendix 16**) addresses the Project's potential construction noise effects on people. It focuses on the noise effects from pile driving (the loudest activity) received by residents at Whareroa Marae (27 Taiaho Place, the closest noise sensitive receivers). The assessment also considers the noise effects of 24-hour/7-day dredging operations.

Construction-related vibration effects are not detailed in the Construction Noise Assessment because the very large setback distances mean vibration effects are predicted to be imperceptible at the closest sensitive receivers.

The Construction Noise Assessment does not assess operational noise associated with the Port. Operational noise is subject to rule PZ 1 of the RCEP, and any breach of that rule would need a separate, future resource consent.

6.12.2 Environmental Effects Identified

6.12.2.1 Daytime construction noise

Pile driving and dredging noise received at Whareroa Marae (27 Taiaho Place) is predicted to easily comply with the daytime construction noise limits specified in NZS 6803. Consequently, it will also comply with the levels stated in rule PZ 1 of the RCEP.

6.12.2.2 Night-time construction noise

As noted at Section 4.8 of this report, pile driving will not occur at night-time and therefore does not present any issue with respect to night-time noise levels.

Dredging will occur at night and is predicted to generally comply with the 45 dB L_{Aeq} night-time limit in NZS 6803. The exceptions are BHD dredging noise levels are predicted to be up

to 46 dB L_{Aeq} and TSHD dredging up to 47 dB L_{Aeq} at the most exposed façade of one dwelling at 27 Taiaho Place - only if night-time dredging occurs in a particular portion of the dredging footprint, outlined in Figure 83 below, 27 Taiaho Place is the second-nearest sensitive receiver to the noise source. The nearest noise-sensitive receiver (another dwelling at the same property) is screened by a fence and so will not receive the same noise.

These 1 – 2 dB exceedances relate to construction noise levels stated in NZS 6803. The noise levels comply with the levels specified in rule PZ 1 of the RCEP, meaning no resource consent is required in relation to dredging noise.

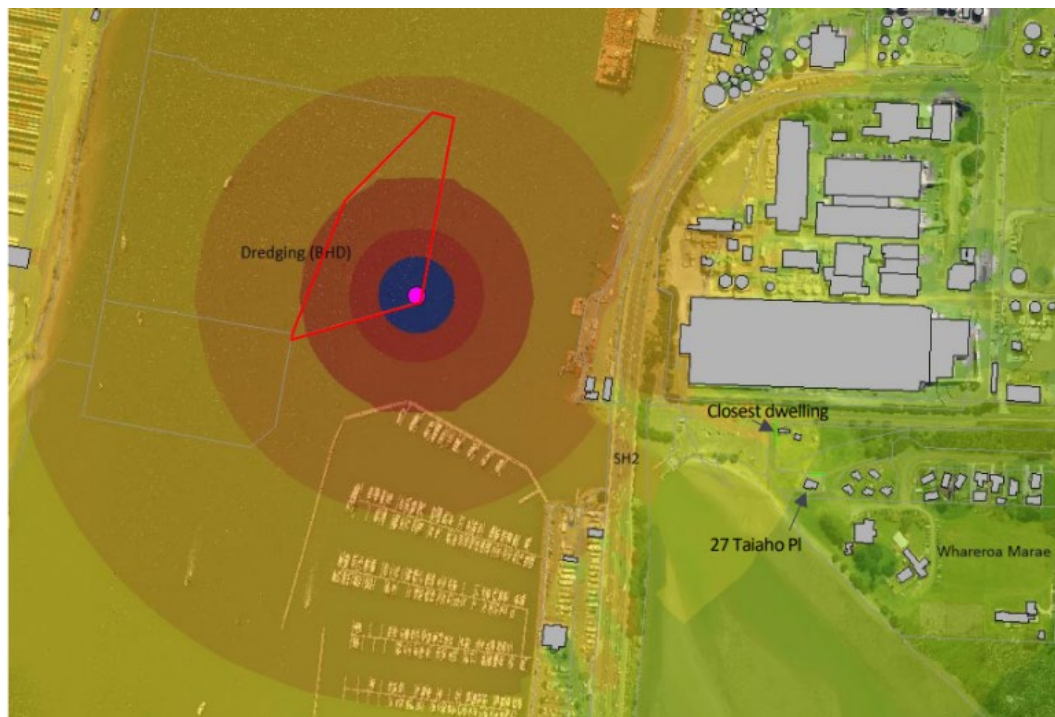


Figure 83: Extent of potential dredging night-time noise infringement (red polygon).

6.12.3 Assessment of Effects of Construction Noise

The effects of noise generated by landward construction activities will be negligible.

Impact pile driving – which will occur during daytime hours only - will likely be audible at Whareroa Marae due to its impulsive character. It is not assessed as likely to materially elevate the existing ambient noise environment that prevails during the day and is influenced by highway noise and other sources in the surrounding industrial area.

There is a low likelihood of sleep disturbance arising from night-time dredging and the noise effects of that activity are assessed as reasonable. The Construction Noise Assessment comments that “A difference in level of 1-2 decibels is generally indistinguishable, whereas

3-4 decibels is just noticeable. The construction noise levels are also well below the nighttime port noise limits specified in RCP Rule PZ1 (b) and (c)". Those limits are 65 dBA and 85 dBA as below:

Rule PZ 1 Permitted – Noise from activities in the Port Zone

The emission of noise from activities in the coastal marine area of the Port Zone is a permitted activity, subject to the noise not exceeding the following conditions:

- (a) The long-term average sound level (L_{dn}) from all activities within the Port Zone shall not exceed 55 dBA at any point outside the 55 dBA noise control boundary (shown on Map Sheet 11c) nor 65 dBA at any point outside the 65 dBA noise control boundary;*
- (b) No single 15-minute sound measurement level shall exceed 65 dBA Leq between 2200 and 0700 at any point outside the 65 dBA noise control boundary;*
- (c) The night-time maximum sound level (L_{max}) shall not exceed 85 dBA at any point outside of the 65 dBA noise control boundary;*

[...]

6.12.4 Recommendations and Mitigation Measures

While not required on a technical basis and consequently, not recommended by the Construction Noise Assessment as necessary to meet NZS 6803, POTL would accept a consent condition that requires impact pile driving at Butters Landing to be suspended for three days where piling noise levels are above 50 dB L_{Aeq} and the Port has been advised 24 hours in advance of a Tangihanga occurring at Whareroa Marae. The proposed consent conditions include a condition of consent to this effect is included as follows:

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

Acknowledging the *Augier* nature of that proposed condition, the Construction Noise Assessment recommends the following management measures to further minimise potential construction noise impacts:

- > Prioritise vibratory pile driving methods over impact pile driving methods where practical;

- > Timber piles will be used for the piles closest to Whareroa Marae that are associated with the penguin ramp (as these are quieter to install in comparison to driving steel piles);
- > Pile driving will be limited to the daytime period; and
- > Dredging of the defined area of Stella Passage (Figure 2 of the Construction Noise Assessment, replicated as Figure 83 above) that would result in a small exceedance of NZS 6803 at 27 Taiaho Place during night-time hours should be undertaken during the daytime or evening noise periods where practicable.

In light of these recommendations, the proposed consent conditions limit the hours and days during which pile driving and other significant noise emitting activities may be undertaken and require the Reclamation and Construction Management Plan to detail noise management measures including the use of timber piles for the piles closest to Whareroa Marae that are associated with the penguin ramp and the prioritisation of vibratory pile driving methods where practicable.

6.13 AIR QUALITY EFFECTS

6.13.1 Scope of Assessment

The Air Quality Assessment (**Appendix 15**) evaluates the potential air quality effects of discharges to air from ships using the new berths.

When considering the effects, resource consent is not required for discharges to air as they are expressly permitted under the Marine Pollution Regulations. However, the air quality assessment was undertaken to address local concerns about air quality in the Mount Maunganui Airshed and particularly at Whareroa Marae, which is the closest residential area to the proposed wharf extensions.

The Air Quality Assessment identifies there is at least one full year of air quality monitoring data at Whareroa Marae for all the relevant contaminants. It also notes that air quality at Whareroa Marae meets the relevant New Zealand standards and guidelines, however the wider Mount Maunganui Airshed is classed as a polluted airshed due to PM₁₀ concentrations in some areas.

The modelled impacts of the discharges from ships at the new berths, cumulative with existing air quality, were assessed against relevant New Zealand air quality standards and guidelines. The Air Quality Assessment also considered the Project's effects against the more stringent air quality guidelines published by the WHO in 2021. These guidelines not legally binding in New Zealand but are considered for completeness.

6.13.2 Effects Identified

The contributions of discharges from ships at the proposed wharf extensions to air quality are primarily related to the effects of exhaust emissions from ships at the new berths. While at berth, a ship's energy requirements for heating/cooling and electricity are met either by running auxiliary engines or by running the main engines on low load. The exhaust emissions are combustion products from burning of fuel, particularly SO₂, PM₁₀, PM_{2.5} and NO₂.

The contribution of the discharges from ships at the new berths to air quality in the receiving environment has been predicted using dispersion modelling and incorporating a number of conservative assumptions, including:

- > The assessment of short-term impacts is based on the ship that has the highest possible emissions (for Sulphur Point this is a large container and for the Mount Maunganui wharves a large bulk tanker);
- > The assessment of long-term impacts assumes the new berths are continuously occupied by an average-sized ship; and
- > That the emissions from these ships are additional to existing shipping.

6.13.2.1 NESAQ Assessment

The Air Quality Assessment demonstrates that the cumulative air quality effects of ships at the new berths are generally negligible when measured against the standards and guidelines set out in the NESAQ, apart from 1-hour average NO₂ and 24-hour PM_{2.5} levels, which are assessed as having low effects.

While the Project will have a moderate (22% increase) impact on the predicted worst-case 1-hour average SO₂ concentration, the cumulative concentration remains well below (less than 50% of) the NESAQ standard and therefore is classed as a low effect overall.

Similarly, there is a small (11% increase) impact on the predicted worst-case 24-hour average PM_{2.5} concentration. However, the cumulative concentration remains well below (less than 60% of) the *Proposed* NESAQ levels (noting the NESAQ does not address this contaminant) and therefore is classed as a low effect overall.

6.13.2.2 WHO 2021 Guidelines Assessment

The assessment of air discharges from ships at the new berths against the more stringent WHO 2021 air quality guidelines (which are not adopted in New Zealand) demonstrates that for most contaminants, the effects of the discharges are negligible.



Exceptions arise for annual average NO₂ levels, 24-hour SO₂ levels and annual average PM_{2.5} levels. The Project's impact on the levels of these contaminants is classed as moderate, with small increases in cumulative concentrations with respect to the WHO 2021 guideline (13% increase for 24-hour average SO₂, 5% for annual average NO₂ and 2% for annual average PM_{2.5}). For annual average NO₂ and PM_{2.5}, the predicted cumulative concentrations remain below the WHO 2021 guideline (and, in the case of annual average PM_{2.5}, the effects are immeasurably small). Therefore, the overall effects are assessed as low.

In regard to 24-hour average SO₂, the background SO₂ air quality at Whareroa Marae was materially different in 2024 compared to all previous years since 2019, with five days exceeding the WHO 2021 guideline (more than the four allowable exceedances). The modelling assessment shows that the worst-case assumption of a large bulk tanker at the new Mount Maunganui wharves would not have any measurable effect on the day with the highest measured SO₂ concentration, however it could have contributed to one additional exceedance of the 24-hour WHO 2021 guideline value. Considering the low frequency of anticipated visits by these very large bulk tankers, the likelihood of a large bulk tanker causing an exceedance of the WHO 2021 guideline is once every 30 years (assuming that future years have the same elevated 24-hour SO₂ concentrations recorded in 2024).

The more likely scenario of a large bulk carrier (e.g. a logging ship) at the new Mount Maunganui wharves (rather than a bulk tanker), would have much smaller effects on 24-hour average SO₂ concentrations (less than 30% compared to a bulk tanker) and would not have caused any additional exceedances of the WHO 2021 guidelines.

6.13.3 Assessment of Effects on Air Quality

The overall conclusions of the Air Quality Assessment are that:

- > The effects of discharges to air from Stage 1 of the Project are assessed as negligible with respect to the New Zealand ambient air quality standards and guidelines, with the exception of 1-hour average NO₂, where the effects are assessed as low.
- > Although slightly greater than the effects of Stage 1, the effects of discharges to air from Stage 2 of the Project (including the combined effects with Stage 1) are assessed as negligible or low with respect to the New Zealand ambient air quality standards and guidelines and negligible or low with respect to the more stringent WHO 2021 guidelines, except for 24-hour average SO₂.
- > Taking into account the scale and likelihood of effects, the effects of discharges to air from Stage 2 (including the combined effects with Stage 1) on 24-hour average SO₂ concentrations are assessed as low with respect to WHO 2021 guidelines.



6.13.4 Recommendations and Mitigation Measures

Based on the findings of the Air Quality Assessment, no mitigation of air quality effects is recommended.

6.14 CLIMATE CHANGE EFFECTS

6.14.1 Scope of Assessment

Resource consent is required pursuant to rule PZ 11 (Specified Reclamations) of the RCEP. The matters of discretion specified by rule PZ 11 include the matters listed in Policy PZ 13.

Policy PZ 13 requires the consent authority to have particular regard to various matters when considering the form and design of reclamations in the Port Zone. These include “*The potential effects on the site of climate change, including sea level rise, over no less than 100 years*”.

In 2024, POTL published its first Climate-related Disclosures Report, in accordance with the Aotearoa New Zealand Climate Standards. The scope of the report includes an assessment of the direct physical climate-related risks that POTL’s sites, assets, and operations are currently exposed to, and reasonably expected to be exposed to, in the short-term (0-5 years), medium-term (5-25 years) and long-term (25-50 years) under three climate scenarios, being:

- > “Orderly”: global warming is kept to 1.4 degrees Celsius by 2100;
- > “Disorderly”: global warming is kept to 2.6 degrees Celsius by 2100; and
- > “Hothouse”: global warming reaches 3.9 degrees Celsius by 2100.

6.14.2 Effects Identified

The direct climate-related risks identified in POTL’s report include risk to wharves, harbour access, and un/loading capability. More specifically, the risk identified is that:

Sea level rise and increased coastal inundation theoretically has the potential to compromise the ability of ships to:

1. *Access the Sulphur Point and Mount Maunganui wharves; and*
2. *Navigate the harbour entry/channel (e.g. due to silt build up caused by changes in tidal effect, and floods).*

Sea level rise, storm surges and increased risks of coastal inundation theoretically have the potential to compromise vessel access to the Sulphur Point and Mount Maunganui wharves and navigate the harbour entry/channel. This could occur due to silt build-up caused by changes in tidal effects and surges.



Consequently, the risk to Port assets is the exposure of most Port buildings, infrastructure and other improvements to land assets at the Port to full or partial stranding – for example, if wharf and/or harbour access is compromised.

6.14.3 Assessment of Climate-related Direct Physical Risks

The current situation is tolerable. Te Awanui/Tauranga Harbour is a dynamic environment with depths subject to frequent change. Consequently, POTL does regular maintenance dredging to maintain safe navigation and under-keel clearance. To date, POTL has not encountered any notable changes to dredging requirements due to sea level rise.

Ship access to and use of the wharves is unaffected by climate change to date. The wharves all have more than sufficient freeboard to withstand fluctuations in sea levels even under the most conservative projections identified in POTLs Climate-related Disclosures Report.

Under the climate risk scenarios (Orderly; Disorderly; Hothouse), the climate-related direct risks to wharves, harbour access and un/loading capability are assessed as low in the short to medium-terms, and moderate over the long-term under the Disorderly and Hothouse scenarios.

These ratings reflect that the wharves have sufficient freeboard to prevent inundation (even under the highest sea level rise and storm surge projections) and ensure ship un/loading is not sensitive to sea level rise or changes in tide (even if ship sizes increase).

As the proposed wharf extensions will be consistent with the design of the existing wharves, the Project will provide sufficient freeboard to maintain a low risk in relation to sea level rise, storm surges and coastal inundation.

6.14.4 Recommendations and Mitigation Measures

The nature of ports is that they have both functional and operational requirements to locate in areas prone to coastal hazards. However, POTL's report concludes that the likelihood of sea level rise impacting ship access to Port wharves is low.

As such, no specific mitigation measures have been identified as necessary to manage the potential effects of climate change on the reclamations or other Project elements.

6.15 CRANES

The proposed cranes exceed the permitted height and siting standards and therefore require restricted discretionary resource consents from the Regional Council and City Council. The matters over which discretion is reserved are as follows.

Under rule PZ 9 of the RCEP:

- (a) The impact on the airport height restrictions identified in map sheets 9c, 10c, 11c, 12c, 13c, 14c, and 15c.*
- (b) The safe operation of Tauranga City Airport.*

Under rule 18.15.4.1 of the TCP:

- (a) Impact on the height restrictions within specified Airport Slopes and Surfaces described in Rule 4I.2 – Permitted Activity Rules;*
- (b) The safe operation of Tauranga City Airport;*

To address these matters, POTL procured the Tauranga Airport Port Crane Aeronautical Study 18 January 2021 from AirBiz Ltd (“**Aeronautical Study**”) to ascertain the impact of the structures on the Airport height restrictions.

The Aeronautical Study states measures to control and mitigate risk. On review, the Civil Aviation Authority issued a Navigable Airspace Determination on 21 June 2021. The Navigable Airspace Determination states seven compliance conditions for the cranes.

POTL has an ongoing relationship with Tauranga Airport Authority and has consulted with the Airport in relation to this Project (refer to Section 8.3 of this report). The Chief Executive of Tauranga Airport Authority wrote to POTL on 25 February 2025, provided as **Appendix 20** to this report, confirming that the Airport Authority supports the grant of resource consent for the proposed cranes, subject to POTL’s compliance with condition 1 of the Navigable Airspace Determination. That condition requires the cranes to be lit in accordance with IAW Civil Aviation Rule Part 77 Appendix B. The correspondence from the Airport Authority’s Chief Executive confirms that the Airport will ensure compliance with the other conditions of the Navigable Airspace Determination.

As such, condition 1 of the Navigable Airspace Determination is included in the proposed consent conditions for both the Regional and City Councils (**Appendix 5 and 5a**). As condition 2 of the Navigable Airspace Determination requires the proposed cranes to be marked in accordance with the same provision - IAW Civil Aviation Rule Part 77 Appendix B, the proposed condition of consent refers to both the lighting and marking of the cranes in accordance with IAW Civil Aviation Rule Part 77 Appendix B, i.e., address both conditions 1 and 2 of the Navigable Airspace Determination.

In light of the above, it is assessed that the impact of the proposed cranes on the airport height restrictions identified in the RCEP and TCP can be appropriately managed through the proposed consent conditions for both the Regional and City Councils (**Appendix 5 and 5a**), to avoid adverse effects on the safe operation of Tauranga Airport.



7. SUMMARY OF EFFECTS MANAGEMENT MEASURES

Section 6 of this report provides an assessment of the actual and potential effects of the Project, based on the technical assessments commissioned by POTL.

In respect to cultural effects, the development of mitigation and management measures was directed by the directions received as part of previous process and the CVRs prepared by iwi/hapū for this FTA application. The measures are summarised in Table 25 below.

The technical assessments recommend the implementation of measures to avoid, remedy or mitigate potential adverse effects on the environment. These recommendations (set out in Table 25 and Table 26 below) have shaped the development of a robust suite of proposed conditions.

Notably, acknowledging the broader scope of the FTA application, the proposed Regional Council consent conditions (**Appendix 5**) are broadly consistent with those developed in consultation with the Regional Council as directed through the previous Environment Court direct referral process undertaken for an earlier iteration of the Project.

The proposed City Council consent conditions (**Appendix 5a**), based off POTL's most recent set of conditions for cranes at the Port, were provided to the City Council for comment. No comments were provided by the City Council on the proposed conditions for the cranes.

Overall, POTL and its technical advisers consider that the Project can be undertaken in a manner that addresses any unavoidable adverse environmental effects while also achieving the purpose of the FTA – to deliver significant regional and national benefits.



Table 25: Proposed Mitigation and Management Measures - Cultural Values.

| Actual and Potential Effect | Proposed Management Measure | Structures Condition No. | Dredging Condition No. |
|---|---|--------------------------|------------------------|
| Kaitiakitanga and whanaungatanga impacts | | | |
| Lack of acknowledgement of historic cultural grievances, raupatu and inadequate meaningful consultation. | > Fund the establishment of the SPDAG; | 1.1(a) | 1.1(a) |
| | > Facilitation of relationship agreements between iwi and hapū; | 2.1 | 2.1 |
| | > Implementation of the SPDAG | 3.1 | 3.1 |
| Loss of cultural identity and displacement | | | |
| Encroachment on cultural identity and hononga by further severing links with the harbour and Mauao and obscuring / restricting access to traditional sites. | > POTL to fund (\$25,000 per year) the preparation and implementation of a Matauranga Monitoring Plan with the SPDAG facilitated in its preparation and implementation. | 14.1 | 15.1 |
| | > Provision of a financial contribution of \$500,000, to be administered by the SPDAG, to use for the design and implementation of Pou or other structures. | 15.2 | 18.2 |
| Changes to the harbour's character affect the cultural ambience or sanctity of tikanga and kawa (protocols). | No mitigation. Visual effects addressed in addressed in Section 6.11 and Landscape Effects Assessment (Appendix 17). | Nil. | Nil. |
| Potential obstruction of Mauao from key cultural landmarks. | No mitigation. Visual effects addressed in addressed in Section 6.11 and Landscape Effects Assessment (Appendix 17). | Nil. | Nil. |



| Actual and Potential Effect | Proposed Management Measure | Structures Condition No. | Dredging Condition No. |
|--|--|--------------------------|------------------------|
| Impacts on kaimoana species and mahinga kai. | | | |
| Dredging activities potentially impacting Te Paritaha and access to mahinga kai. | > No alteration to Te Paritaha; | Nil. | Nil. |
| | > Ongoing monitoring of Te Paritaha during dredging activities; | | 13.1 |
| | > Cultural monitor present during capital dredging operations; and | | 14.1 |
| | > Fund the preparation and implementation of a Mātauranga Monitoring Plan. | | 15.1 |
| Potential wider impacts to kaimoana habitat and populations from modification of Te Awanui/Tauranga harbour and increased turbidity from dredging. | > Provision of the one-off payment of \$2,000,000 to be administered by the SPDAG for abundance projects and projects that benefit the restoration of the health of Te Awanui/Tauranga Harbour; | 15.1 | 18.1 |
| | > Fund the preparation and implementation of a Mātauranga Monitoring Plan; and | Nil. | 15.1 |
| | > POTL to 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. | | 19.1 |
| Impacts on the mauri of Te Awanui/Tauranga Harbour from water quality and hydrodynamic effects. | | | |
| Potential increased risk of turbidity, pollution and contamination from dredging impacting water quality, marine life and mauri in Te Awanui/Tauranga Harbour. | > Provision of the one-off payment of \$2,000,000 to be administered by the SPDAG for abundance projects and projects that benefit the restoration of the health of Te Awanui/Tauranga Harbour; | 15.1 | 18.1 |
| | > POTL provide a one-off payment of \$100,000 for the SPDAG to fund an independent audit and assessment of against existing consent conditions and discharges into Te Awanui/Tauranga Harbour; and | Nil. | 18.4 |



| Actual and Potential Effect | Proposed Management Measure | Structures Condition No. | Dredging Condition No. |
|--|--|--------------------------|------------------------|
| | > Cultural monitor present during capital dredging operations. | | 14.1 |
| Impacts avifauna and marine mammal taonga species. | | | |
| Effects on avifauna taonga from displacement, reduction in habitat and effects from construction activities. | Implementation of an Avifauna Management Plan, refer to Table 25 below. | 13.1 | Nil. |
| | Establishment of a one off fund of \$150,000, to be administered by SPDAG, to be used for the purpose of assessing and developing opportunities to enhance avifauna habitat in and around Te Awanui/Tauranga Harbour | 13.4 | |
| Effects on marine mammal taonga species from underwater construction noise and increased ship strike risk. | > Implementation of a Marine Mammal Management Plan, refer to Table 25 below. | 12.1 | Nil. |
| | > Provision of Dredge Master training and marine mammal recording and reporting requirements | Nil. | 9 and 10 |
| Impacts specific to Whareroa Marae. | | | |
| Cumulative effects of visual and spatial encroachment of port activities. | > Change of the Project scope from the Environment Court process; | Nil. | Nil. |
| | > Provision of \$100,000 for the completion of a longitudinal assessment of health and wellbeing against agreed marae outcomes for Whareroa Marae; and | 15.3 | 18.4 |
| | > Provision of a one-off payment of \$1,000,000 and then provision of an annual payment of \$25,000 to the Whareroa Marae Reservation Trust for Whareroa Marae Infrastructure projects. | 15.5 | 18.5 |



| Actual and Potential Effect | Proposed Management Measure | Structures Condition No. | Dredging Condition No. |
|---|--|--------------------------|------------------------|
| Increased air emissions from more vessel movements and indirectly as a result of increased transport. | No mitigation proposed as effects are rated as negligible under the NESAQ. | Nil. | Nil. |

Table 26: Proposed Effects Management and Monitoring Measures.

| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|--|--|---|--------------------------|-----------------------|
| Marine Ecology Effects | | | | |
| Effects from dredging, reclamation and wharf extensions on coastal processes | No mitigation proposed as effects are very low: <ul style="list-style-type: none"> > Sediment transport minimal and highly localised; and > Channel stability not compromised. | Very low (no mitigation). | Nil. | Nil. |
| Reclamation and permanent occupation causing loss of soft sediment and hard substrate communities. | Design wharves with similar light, shade and hard surfaces to existing wharves to enable natural re-colonisation of sessile communities. | Low (short-term) Very low (longer term 3+ years) | 6.1(b) | Nil. |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|---|--|---|--------------------------|-----------------------|
| Mortality and disturbance of benthic invertebrates within the dredge areas. | Design wharves with similar light, shade and hard surfaces to existing wharves to enable natural re-colonisation of sessile communities. | Low (short-term) Very low (longer term 3+ years) | 6.1(b) | Nil. |
| Extension of harbour edge (which is already modified) further into the harbour | Design wharves with similar light, shade and hard surfaces to existing wharves to enable natural re-colonisation of sessile communities. | Very low. | 6.1(b) | Nil. |
| Effects of shading on biota beneath the new wharf extensions (24,853m ²). | Design wharves with similar light, shade and hard surfaces to existing wharves to enable natural re-colonisation of sessile communities. | Low. | 6.1(b) | Nil. |
| TSS effects on benthic invertebrates (including pipi on Te Paritaha), fish, macroalgae and seagrass from dredge activity. | <p>Implement turbidity management measures consistent with past dredging campaign. Including monitoring and response framework triggered by increasing turbidity as follows:</p> <ul style="list-style-type: none"> > First tier of trigger levels – elevated turbidity is investigated, and the impacts of continued dredging are assessed; > Second tier of trigger levels – the dredging methodology is modified. This may involve (for example) relocating the dredge, using different equipment, modifying the frequency of the dredging, or a combination of these and any other appropriate measures; and | Very low. | Nil. | 8.2(e) |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|---|--|---------------------------------|--------------------------|-----------------------|
| | <ul style="list-style-type: none"> > Third tier of trigger levels – dredging ceases until turbidity reduces to an appropriate level. | | | |
| Contaminant availability in sediment within the dredge locations. | <p>No mitigation as effects are very low:</p> <ul style="list-style-type: none"> > Sediment to be dredged is below ANZG DGV concentrations of concern. | Very low (no mitigation). | Nil. | Nil. |
| Deposited sediment from dredging TSS. | Implement turbidity management controls consistent with past dredging campaigns (see above). | Very low. | Nil. | 8.2(e) |
| Effects on water quality and sediment quality | <p>No mitigation proposed as effects are very low:</p> <ul style="list-style-type: none"> > Sediment to be dredged is below ANZG DGV concentrations of concern. | Very low (no mitigation). | Nil. | Nil. |
| Effects of marine vessels that are involved in dredging (or other construction) on the risk of invasive species (at the Southern Te Awanui scale) | POTL to provide \$27,000 to Regional Council as a contribution to the Regional Council led biosecurity programme, to extend surveillance of invasive species at the new wharf structures. | Very low. | 16.1 | Nil. |
| Effects of noise during piling driving for wharf extensions on marine organisms | <p>No mitigation proposed as effects are low:</p> <ul style="list-style-type: none"> > Fish (including sharks and turtles) are highly mobile and likely to avoid piling noise. | Low (no mitigation). | Nil. | Nil. |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|---|--|---------------------------------|--------------------------|-----------------------|
| (excluding marine mammals). | | | | |
| Cumulative effects, including additional activities that impact on the cumulative ecological values – reclamation (3.58ha), permanent occupation (0.08ha), dredging (10.55ha) shading of pelagic environment by wharf extensions (20,760m ²) and shoreline modification of an already modified shore. | <p>No specific mitigation proposed in relation to cumulative effects, as effects will be low with:</p> <ul style="list-style-type: none"> > Wharf design; > Implement turbidity management controls; and > Use of certified “clean” vessels. | Low. | Nil. | Nil. |
| Marine Mammal Effects | | | | |
| Underwater noise from dredging. | Regularly maintained dredge equipment and compliance with the MMPR. | Negligible. | 12.14 | 6.5 |
| Underwater noise from pile driving. | <p>Compliance with marine mammal focused controls and the Marine Mammal Management Plan, including:</p> <ul style="list-style-type: none"> > MMO on-watch before and during piling driving; | Minor. | 12.1 – 12.16 | Nil. |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|---|--|---------------------------------|--------------------------|-----------------------|
| | <ul style="list-style-type: none"> > Implementation of soft start procedures; > Implementation of shut down zones; > Carefully select pile driving equipment; > Minimise daily piling duration/strike rate; > Use cushion blocks and bubble curtains; > Alert System for marine mammal sightings in Te Awanui/Tauranga Harbour; > Conduct inner harbour observations; > Keep records of sightings and mitigations; and > Validate model predictions. | | | |
| Presence of structures in the water column. | <p>No mitigation proposed as effects are minor:</p> <ul style="list-style-type: none"> > Area of new piles is minuscule relative to marine mammal's home range; and > Marine mammals are highly mobile and entrapment by wharves is not predicted. | Minor (no mitigation). | Nil. | Nil. |
| Habitat modification. | <p>No mitigation proposed as effects are negligible:</p> <ul style="list-style-type: none"> > Marine mammals do not rely solely on the Project area; | Negligible (no mitigation). | Nil. | Nil. |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|-----------------------------------|---|---------------------------------|--------------------------|-----------------------|
| | <ul style="list-style-type: none"> > Area of modification is minuscule relative to marine mammal's home range; and > Marine mammals are highly mobile. | | | |
| Ship strike | Compliance with MMPR, including: | Negligible. | 12.14 | 6.5 |
| – during active extraction | <ul style="list-style-type: none"> > Speed and direction controls near marine mammals. | | | |
| - during transit to disposal site | | Negligible. | | |
| Exposure to contaminants. | <p>No mitigation proposed as effects are negligible:</p> <ul style="list-style-type: none"> > Sediment to be dredged is below ANZG DGV concentrations of concern; and > Marine mammals are highly mobile and can avoid areas of poor water quality. | Negligible (no mitigation). | Nil. | Nil. |
| Marine debris | <p>Implement waste management, including:</p> <ul style="list-style-type: none"> > All dredge vessels have covered waste bins and debris retrieval nets; > Retrieve any waste or equipment that enters the water from the dredge vessel(s) if safe to do so; and > Disposal of retrieved marine debris onshore. | Negligible. | Nil. | 11.1 |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|---|---|---------------------------------|--------------------------|-----------------------|
| Artificial lighting | <p>No mitigation proposed as effects are negligible:</p> <ul style="list-style-type: none"> > Project area is not an important habitat for marine mammals; and > Slow speed of dredge and agility of mammals reduce risk of ship strike in event of potential attraction effects. | Negligible (no mitigation). | Nil. | Nil. |
| Cumulative effects | <p>No specific mitigation proposed in relation to cumulative effects, as effects will be minor with:</p> <ul style="list-style-type: none"> > Compliance with Marine Mammal Management Plan; > Compliance with MMPR; and > Comply with Resource Management (Marine Pollution) Regulations 1998 and any other relevant legislative requirements. | Minor. | Nil. | Nil. |
| Avifauna Effects | | | | |
| Disturbance to birds using the sand pile for breeding and roosting. | <p>Implementation of an Avifauna Management Plan, including:</p> <ul style="list-style-type: none"> > Control of timing and volume of sand removal; > Maintenance of the size, shape and volume of the sand pile; > Daily pre-works survey prior to work commencing; | Less than minor. | 13.1 | Nil. |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|--|--|---------------------------------|--------------------------|-----------------------|
| | <ul style="list-style-type: none"> > No works commencing if any Threatened or At-risk species are present and minimum 25 m setback if a non-Threatened species is present; > Continued use shipping containers as a barrier to noise from the Port operations and from Project construction works; > Traffic approach and pass controls; > Minimum setbacks for high noise activities (container grinding and repair); Implementation of a pest animal (mustelid, rat, cat, hedgehog and rabbit) control programme; > Implementation of a pest plant control programme to maintain the value of the sand pile as a bird habitat; and > Maintain existing bird monitoring survey programme. | | | |
| Removal of artificial rockwall habitat for red-billed gulls. | <p>Implementation of an Avifauna Management Plan, including:</p> <ul style="list-style-type: none"> > Development of approximately 200 m or equivalent surface area of existing rock wall south of the Mount Maunganui Wharf extension, as a new habitat for the tarāpunga/red-billed gull colony; > Dismantle rock wall outside of red-billed gulls breeding season; and | Less than minor. | 13.1 | Nil. |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|--|--|---------------------------------|--------------------------|-----------------------|
| | <ul style="list-style-type: none"> > Encourage gull relocation through a combination of gull decoys and a stereo system playing recordings of gull calls at colonies. | | | |
| Removal of artificial rock wall occupied by kororā/blue penguin. | <p>Implementation of an Avifauna Management Plan, including:</p> <ul style="list-style-type: none"> > Habitat surveys in peak breeding season (October and December); > Development of 13 new nesting boxes near Butters Landing; > Location of potentially affected burrows at the start of the <i>non</i>-breeding season (April to June). Relocate detected penguins to nesting box colony and wrap all burrows and potential roosting crevices; > Dismantle rock wall during kororā/blue penguin <i>non</i>-breeding season; > Kororā/penguin handler available during rock wall dismantling to relocate any penguins; and > Two penguin population surveys in the first two breeding seasons after construction of the Mount Maunganui wharves ends (e.g., October and December). | Less than minor. | 13.1 | Nil. |
| Artificial lighting at night effects on birds. | <ul style="list-style-type: none"> > Floodlights shielded and mounted horizontally. | Minor | 13.1 | Nil. |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|-----------------------------|--|---------------------------------|--------------------------|-----------------------|
| | <ul style="list-style-type: none"> > Use warm LED lights (preferably 3,000 K) and avoid exceeding 6,000 K; > Little or no short wavelength (380-500 nanometres) violet and blue light used; > Control light intensity and the number of lights; > Use motion sensor lights and high-quality lighting, low-glare lighting where practicable; and <p>Use of non-reflective paint on structures (storage tanks, buildings etc).</p> | | | |

| Hydrodynamic and Sedimentation Effects | | | | |
|--|--|-------------|------|-----------|
| Discharge of fines causing turbid plumes during dredgings. | <p>Implement a Dredge Management Plan, including the control turbidity during dredging via the following measures:</p> <ul style="list-style-type: none"> > Overflow with constrictions to reduce plume buoyancy; > Limited overflow duration to control the total volume of sediment introduced into the plume; and > no overflow on flood tide. <p>If necessary, restrict dredging to parts of the tidal cycle (e.g. ebb tide only).</p> | Negligible. | Nil. | 6.1 & 8.1 |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|--|---|---------------------------------|--------------------------|-----------------------|
| Contamination by dredged sediment. | No mitigation proposed as effects are negligible: > Sediment to be dredged are below ANZG DGV concentrations of concern. | Negligible (no mitigation). | Nil. | Nil. |
| Dredging activities affecting the harbour hydrodynamics. | No mitigation proposed as effects are negligible: > Potential changes in peak tidal velocities, ebb and flood flows are small (less than natural weather-induced variations). | Negligible (no mitigation). | Nil. | Nil. |
| Navigation Effects | | | | |
| Effects of additional vessel visits in the harbour. | No mitigation proposed as effects are negligible: > Additional vessel traffic will below peak vessel traffic handled without incident in 2012. | Negligible (no mitigation). | Nil. | Nil. |
| Dredging activities cause navigational risks to other ships. | Continuation of existing operational dredging controls: (a) TSHD coordinating transits of the shipping channel behind other vessels; (b) BHD coordinated around sailing and tidal flows; and (c) TSHD and BHD will be fitted with precision navigations systems. | Negligible. | Nil. | 8.1 |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|---|---|---|--------------------------|-----------------------|
| Dredging activities cause navigational risks to other users of the harbour. | Continuation of notice given to mariners prior to commencement, including: (a) Advertisements in the local paper; (b) Notification of the Harbour Master; (c) Notification of the Coast Guard; (d) Notification of marinas; and (e) Installation of signs at local boat ramps. | Negligible. | Nil. | 4.4 |
| Modification of the shipping channel. | POTL to submit a plan to the Harbourmaster for the relocation of the navigational aids (special purpose beacon). Continuation of well-established shipping operational controls, following the existing regulations and rules. | Negligible. | Nil. | 6.4 |
| Landscape and Natural Character Effects | | | | |
| Landscape effects. | No mitigation proposed as landscape effects are acceptable: | Moderate (at Whareroa Marae) (no mitigation). | Nil. | Nil. |
| At Whareroa Marae | > Existing highly modified environs with a port – industrial character; | | | |
| | > Clear division between Waipu Bay and Stella Passage by Harbour Bridge and Whareroa Bridge; and | | | |
| At all other viewpoints | > Effects of ships and cranes visible from Whareroa Marae arise from a permitted activity (shipping) and restricted | Low to very low (at all other | | |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|-----------------------------|---|---|--------------------------|-----------------------|
| | discretionary activity (cranes) for which discretion is reserved to airport – related matters only. | viewpoints) (no mitigation). | | |
| Natural character effects | No mitigation proposed as effects are uniformly rated as very low. | Very low (no mitigation). | Nil. | Nil. |
| Noise Effects | | | | |
| Steel driven piling noise. | <p>Noise complies with permitted activity standards of rule PZ 1.</p> <p>All construction noise complies with daytime construction noise guidelines.</p> <p>Night-time dredging noise presence a minor exceedance of the construction noise guidelines but will comply with rule PZ 1.</p> <p>To minimise potential noise at the nearest sensitive noise receivers:</p> <ul style="list-style-type: none"> (a) Vibratory pile driving methods are prioritised where practical; (b) Timber (instead of steel) piles will be used for the piles associated with the penguin ramp; (c) Pile driving is limited to the daytime period; (d) Impact pile driving at Butters Landing will be suspended for 3 days where piling noise is above 50 dB L_{Aeq} and the Port has been advised 24 hours in advance of a Tangihanga at the Whareroa Marae; and | <p>Negligible to low.</p> <p>(low effect relates to night-time dredging noise at one dwelling only)</p> | 7.8, 7.9 and 11.3(k) | Nil. |



| Actual and Potential Effect | Proposed Management Measure | Level of Effect with Mitigation | Structures Condition No. | Dredging Condition No |
|-----------------------------|-----------------------------|---------------------------------|--------------------------|-----------------------|
|-----------------------------|-----------------------------|---------------------------------|--------------------------|-----------------------|

- (e) Dredging to be undertaken within the portion of the footprint identified, to be undertaken during daytime construction hours where practicable.

Air Quality Effects

| | | | | |
|---|--|-----------------------------|------|------|
| Discharges to air, particularly of SO ₂ , PM ₁₀ , and PM _{2.5} and NO ₂ , from ships at the new berths. | <p>No mitigation proposed as effects are rated as negligible under the NESAQ.</p> <p>In terms of the WHO 2021 guideline values, which do not apply in New Zealand, effects are negligible for particulates, small for NO₂ and very small for SO₂ (possibly a 1-in-30-year exceedance).</p> | Negligible (no mitigation). | Nil. | Nil. |
|---|--|-----------------------------|------|------|

Climate Change Effects

| | | | | |
|---|---|-----------------------------|------|------|
| Risks to wharves, harbour access and loading/unloading capability, due to sea level rise, storm surges and coastal inundation | <p>No mitigation proposed as effects are negligible:</p> <ul style="list-style-type: none"> > Proposed wharf designs will provide sufficient freeboard to maintain low risk in relation to sea level rise, storm surges and coastal inundation. | Negligible (no mitigation). | Nil. | Nil. |
|---|---|-----------------------------|------|------|



8. CONSULTATION

In accordance with section 29(1)(a) and (b), Schedule 5 (clause 6(1)(e)) and Schedule 7 (clause 2(1)(n)) of the FTA, this section provides a summary of the consultation and engagement undertaken by POTL with relevant administering authorities, iwi, hapū and other stakeholders.

Section 1.9 of this report summarises POTL's approach to consultation and engagement. POTL initiated consultation with iwi, the consent authorities and key stakeholders on the various elements of the Project in 2019 prior to lodgement of the direct referral application. This has provided for over five years of consultation on the proposed Stella Passage development and the wider Port activities.

While there are opposing positions on the Project, these existing relationships have provided the basis for understanding and respecting diverse viewpoints and have been vital in ensuring that, to the extent possible without restricting the fundamental requirements of the Project, the input has contributed to the Project's proposed design. This has been most clearly demonstrated through the reduction of Project scope and footprint when compared to that which was applied for as in the 2021 direct referral application to the Environment Court (described in Section 1.7 of this report).

Acknowledging the extensive historical engagement and consultation undertaken by POTL with iwi, hapū, stakeholder and the regulators, POTL re-engaged with parties in preparing its FTA application. A summary of this consultation is provided in the sections below.

8.1 LOCAL AND ADMINISTERING AUTHORITIES

8.1.1 Overview

Section 29 of the FTA requires applicants for substantive applications to consult with the applicable local and administering authorities prior to lodging an application with the EPA. In the case of this Project, the applicable local and administering authorities are:

- > Regional Council;
- > City Council;
- > DOC; and
- > Ministry for the Environment.

Details of the consultation with these parties is provided below.



In addition to the pre-lodgement consultation, POTL acknowledges that the above parties will be involved in the FTA approvals process at several points after the substantive application is lodged, including:

- > The EPA's completeness assessment (section 46(1) of the FTA) and subsequent functions in the processing of the substantive application (section 90 of the FTA);
- > The Panel Convener's decision to fix any non-default time frame for the issue of the Panel's decision documents (section 79(2)(c) of the FTA);
- > Reports for the Panel as specified in section 51 of the FTA or that the Panel considers necessary (section 67 of the FTA);
- > Comments on the substantive application (section 53(2) of the FTA); and
- > Comments on conditions (section 70 of the FTA).

Details of the consultation with these parties is provided below and a record of the consultation with these parties is provided as **Appendix 21** to this report.

8.1.2 Bay of Plenty Regional Council

Extensive engagement has been had with the Regional Council throughout the preparation of the previously lodged 2021 direct referral application for the Project that is being superseded by this substantive application. This engagement included the review of technical assessments by the Council's independent experts, and a thorough further information request process.

Following this past engagement, POTL provided formal written notice (**Appendix 22** to this report) to the Regional Council on 11 February 2025, confirming POTL's intention to apply for all approvals necessary to authorise the Project, as a 'listed project' under Schedule 2 of the FTA.

POTL has a longstanding and established working relationship with the Regional Council, and since the announcement of the Project under the FTA, POTL have been providing updates on the status of Project development and technical assessments and meeting to discuss Project matters with the Regional Council. The Regional Council has also provided guidance and advice to POTL on the appropriate iwi, hapū and Treaty settlement agencies to be engaged with for the Project in accordance with the FTA requirements.

As part of the FTA engagement process, POTL provided the Regional Council with a copy of draft application including the full suite of draft technical assessments and the proposed consent conditions for the Project.

The Regional Council has summarised the pre-lodgement consultation process by letter dated 4 April 2025 (**Appendix 23**), which:

- > Acknowledges the revised scope of the proposal which was scaled down as a result of the outcomes of the Environment Court process;
- > Identifies that Regional Council engaged independent experts to review the various technical reports prepared in support of the Project and that these reviews were shared with POTL (refer to **Appendix 23a** (full set of technical reviews) and **Appendix 23b** (Summary of assessments));
- > Acknowledges the activities which consent has been sought and the need to amend the rule requirements to capture the maintenance dredging activity;
- > Acknowledges that discussions regarding the potential structure and content of the proposed conditions are ongoing; and
- > Identifies that ongoing consultation with tangata whenua is integral to the process and encourages POTL to continue to engage with those parties.

The technical review comments from the Regional Council (**Appendix 23a**) were provided to POTL's technical advisors and, to the extent necessary, they have been responded to in the respective technical assessments which accompany this report. The proposed Regional consent conditions (**Appendix 5**) have also been updated to reflect the technical review comments.

Written notice was also provided by the Regional Council, on 12 March 2025 (**Appendix 9**), confirming that all existing consents to which 124C(1)(c) or 165ZI of the RMA would apply are consents held by POTL.

8.1.3 Tauranga City Council

POTL has an established working relationship with City Council representatives and has endeavoured to keep communication channels open throughout the pre-lodgement consultation period.

Engagement occurred with the City Council when preparing the previous (2021) application for the Project that is superseded by this substantive application - noting that the direct referral application was limited to Regional Council consent matters, and no consents were sought from the City Council as part of that process.

On 11 February 2025, POTL provided formal written notice (**Appendix 24**) to the City Council of its intention to apply for all approvals necessary to authorise the Project, as a 'listed project' under Schedule 2 of the FTA.



Following the provision of the formal notice of the Project progressing under the FTA, a progress meeting with key City Council staff was held on 25 February 2025 which outlined project and district land use consent requirements (cranes); described technical reports and highlighted those that may be of interest; discussed scope for feedback - whether constrained by, or wider than the specific matters of discretion.

Subsequently, a project update along with the draft substantive application and draft technical reports were provided on 27 & 28 February 2025 and the draft consent conditions as they relate to the crane provisions under the TCP were provided on 12 March 2025.

City Council representatives have acknowledged the significant role the Port plays in the economic and social wellbeing of the region but have been clear in the need for the balance of this against any potential adverse negative effects associated with the Project.

In response to this, where possible, POTL has given the City Council the opportunity to review and make comments on the relevant draft technical assessments prepared for the Project prior to their lodgment. The City Council responded, via email on 9 April 2025, that they had no comments on the proposed consent conditions (**Appendix 5a**) prior to lodgment, however, they may provide comment around potential additional conditions once we receive the lodged application.

Written notice was also provided by the City Council, on 28 March 2025 (**Appendix 10**), confirming that there are currently no resource consents held by the Port of Tauranga and/or administered by Tauranga City Council to which sections 124C(1)(c) or 165ZI of the Resource Management Act 1991 would apply, in relation to its FTA application.

8.1.4 Department of Conservation

POTL has been open and transparent with the DOC with respect to its intentions to apply for the necessary approvals under the Wildlife Act relating to the Project as part of this FTA application.

POTL provided written notice (**Appendix 25**) to DOC on 12 February 2025 of its intention to apply for all approvals necessary to authorise the Project, as a 'listed project' under Schedule 2 of the FTA. POTL also completed DOC's 'Request for Fast-track Pre-lodgement Consultation' form and provided a Project overview, and provided drafts of the Avifauna Assessment, the Wildlife Act Authority Application and Avifauna Management Plan and the Project development plan.

DOC provided draft comments on the Project prior to DOC and POTL advisors meeting on 27 March 2025, to discuss the Project with a focus on aspects related to the Wildlife Act approval. Marine mammal and Treaty matters were also broadly discussed.

Following the meeting, DOC provided the document titled ‘Fast-Track Pre-Lodgement Consultation Discussion Document’ which provides a summary from DOC following a pre-lodgement consultation request and the meeting, this is provided as **Appendix 26** to this report. The summary document:

- > Identified the matters considered by DOC as part of their pre-lodgement consultation process and provides comments on these matters. Focused commentary was provided on matters related to the Wildlife Approval process and general commentary was provided on other matters;
- > Provided summaries of the responses to the matters identified by DOC and discussed during the meeting with POTL representatives; and
- > Identified some further information/ consideration matters for POTL to consider in their final application – these comments focused on the broader elements of the Project which were not subject to the pre-lodgement consultation.

To the extent relevant to the Project and where they had not been previously provided for in the technical assessments, POTL’s technical advisors have responded to the commentary provided by DOC in the respective technical report, primarily within the Avifauna and Marine Mammals Assessments.

POTL acknowledge responsiveness of DOC during the pre-lodgement consultation process.

8.1.5 Ministry for the Environment

POTL provided written notice (**Appendix 27** to this report) to the Ministry for the Environment on 12 February 2025 of its intention to apply for all approvals necessary to authorise the Project, as a ‘listed project’ under Schedule 2 of the FTA.

While no specific consultation has occurred, POTL acknowledges that the Ministry for the Environment will be involved in the fast-track approvals process at several points after the substantive application is lodged.

8.2 ENGAGEMENT WITH TANGATA WHENUA

8.2.1 Introduction

POTL respects the traditions and cultures of local iwi and hapū and recognises the unique relationship that tangata whenua have with their ancestral land, water, significant sites/wāhi tapu as they relate to Te Awanui/Tauranga Harbour and the surrounding whenua.

POTL began Project-related consultation with iwi and hapū in advance of the original application process under the RMA in 2019, prior to the application under the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Refer to Section 1.7.1 – Previous Applications).



While that application was not accepted for processing via the COVID pathway, POTL's consultation with tangata whenua progressed through the subsequent Environment Court direct referral application process and has continued into this FTA application process. The FTA engagement process has been summarised below and described in detail in the Cultural Consultation Report provided as **Appendix 18** to this report.

While extensive historical engagement, POTL acknowledged the further consultation requirements specific to the FTA and on that basis POTL has engaged with the groups identified below (as identified in Appendix A of the Cultural Consultation Report) as they have been identified as being parties identified under the FTA and have been grouped as Tauranga Moana iwi and hapū.

POTL acknowledge that Tauranga Moana iwi and hapū are those groups that possess considerable mana in the Tauranga Moana area, including Te Awanui/Tauranga Harbour. Tauranga Moana iwi and hapū groups that possess considerable authority in the Tauranga Moana area, including Tauranga Harbour, the port land and associated activities. Their interests in the outcomes of the consent application include maintaining their rights under the Treaty of Waitangi/ Te Tiriti o Waitangi.

POTL and their Specialist Advisor – Māori Relationships identified relevant iwi and hapū groups in accordance with the FTA requirements. Regional Council, City Council, Western Bay of Plenty District Council and Te Arawhiti provided feedback on the relevant groups. POTL sought involvement and engagement with all iwi and hapū groups identified below.

Iwi and hapū:

| Iwi | Hapū |
|-----------------------|---|
| Ngāi Te Rangī | 1 Ngāi Te Rangī Settlement Trust |
| | 2 Te Rūnanga o Ngāi Te Rangī Iwi Trust |
| | 3 Ngāti Tapu Hapū Trust |
| | 4 Ngāi Tukairangi Hapū Trust |
| | 5 Ngāti Kuku Hapū Trust |
| | 6 Ngāti Hē Hapū Trust |
| | 7 Ngā Hapū o Ngā Moutere Trust |
| Ngāti Ranginui | 8 Ngā Hapū o Ngāti Ranginui Settlement Trust |
| | 9 Ngāti Ranginui Iwi Society Incorporated |
| | 10 Ngāti Ranginui Fisheries Trust |
| | 11 Ngāi Te Ahi Settlement Trust |
| | 12 Ngāti Ruahine |
| | 13 Ngāi Tamarāwaho Tribal Authority Trust |
| Ngāti Pūkenga | 14 Ngāti Hangarau |
| | 15 Ngāti Pūkenga Iwi ki Tauranga Trust |
| Waitaha | 16 Te Tāwharau o Ngāti Pūkenga |
| | 17 Te Kapu o Waitaha Trust |
| Ngā Pōtiki | 18 Ngā Pōtiki ā Tamapahore Trust |
| | 19 Ngāti Kaahu ki Mangatawa |
| Representative groups | 20 Tauranga Moana Iwi Customary Fisheries Trust |
| | 21 Ngā Tai ki Mauao |



Treaty Settlement entities

- > Ngāi Te Rangi and Nga Pōtiki;
- > Ngāti Pūkenga;
- > Ngāti Ranginui;
- > Waitaha; and
- > Tauranga Moana Iwi Collective.

Marine and Coastal Area Act 2011 applicants:

| List of CMT applications (Stella Passage) | |
|--|--|
| Applicant | Care of |
| Ngā Hapū o Ngāi Te Rangi | Ngāi Te Rangi Settlement Trust |
| Ngāti Hē | Ngāti Hē Hapū Trust |
| Nga Hapū o Matakana | |
| Ngā Hapū o Ngāti Ranginui Settlement Trust | |
| Ngāi Tamarawaho | Ngāi Tamarawaho Tribal Authority Trust |
| Waaka & Holloway Whānau | |
| Te Tāwharau o Ngāti Pūkenga | |
| Ngā Pōtiki | Ngā Pōtiki ā Tamapahore Trust |
| Waitaha Iwi | Te Kaipu o Waitaha Trust |
| Ngāti Maru | Ngāti Maru Rūnanga Trust |
| Ngāti Tamaterā | Ngāti Tamatera Treaty Settlement Trust |
| Hauraki Māori Trust Board | |
| Te Whānau ā Mōkomoko | |
| Ngā Pāpaka o Rangataua | |

POTL's approach to the FTA consultation was to build on, rather than duplicate, the historical engagement that has occurred. An overview of the approach to consultation is provided below and a detailed summary of the consultation with the parties identified above is provided in the Cultural Consultation Report (**Appendix 18**) which includes:

- > An analysis of preliminary feedback (Appendix B);
- > The record of consultation (Appendix C) including:
 - Schedule of Technical Information Forums and Direct Engagement meetings;
 - Consultation timeline;
 - Iwi & Hapū Information Portal;
 - Communications record (Appendix D);
 - Summary of consultation delivery (Appendix E);
 - Thematic Analysis of Consultation Feedback (Appendix F); and



- Summary of values, key themes and mitigation in the CVRs (Appendix G).

8.2.2 POTL's Consultation Approach under the FTA

8.2.2.1 Overview

POTL's strategy for engagement under the FTA has been informed by its experience under the RMA and its interpretation of the requirements of the FTA. The objectives of the engagement under the FTA process included:

- > Fairness, equity, consistency and transparency in the approach with all iwi and hapū groups;
- > Meeting POTL's requirements for consultation under the FTA;
- > Aligning consultation requirements beyond minimum standards;
- > Meeting consultation obligations to fulfil relevant Treaty of Waitangi Settlement obligations;
- > Establishing and implementing a system for facilitating communication and feedback from tangata whenua; and
- > Supporting tangata whenua to actively participate in the consultation process.

To achieve its engagement objectives, POTL developed a consultation strategy. The key steps were to:

- > Review POTL's engagement process with iwi and hapū through the direct referral Environment Court process and other consenting projects.
- > Identify relevant iwi and hapū groups as defined by the scope of the Project and the FTA requirements.
- > Engagement with iwi and hapū prior to FTA legislation being enacted to shape POTL's engagement strategy and approach.
- > Resource the relevant groups through Service Level Agreements to:
 - Prepare CVRs including:
 - Provide a list of possible independent technical experts who could assist iwi/hapū groups in preparing CVRs; and
 - Provide a high-level analysis of Treaty settlement arrangements to assist groups,
 - Engage in technical information forums, and

- Directly engage with POTL’s representatives and their technical team; and
- > Implement the consultation process.

The above steps weren’t always undertaken linearly, and there were some steps undertaken simultaneously. The strategy guided the engagement but required a degree of flexibility from POTL.

8.2.2.2 Consultation process

Consultation specific to the FTA application began with hui with some iwi and hapū groups late January and early February 2025. The purpose was to discuss POTL’s decision to apply for consent under the FTA and outline the proposed engagement process.

Following the identification of the relevant groups under the FTA, POTL sent letters on 23rd January 2025 outlining the consultation process and identifying the proposed lodgement date of the FTA application being 31 March 2025.

Consultation was then initiated through a series of kanohi ki te kanohi/face to face and online hui. The weekly hui began on 4 February 2025 and continued through to early April, alternating between online and kanohi ki te kanohi/face to face sessions at the Tauranga Moana Māori Trust Board. POTL representatives attended with its technical advisors to present context around the FTA process, the technical assessments completed in support of the application, and to respond to questions.

Drafts of the technical assessments prepared in support of the Project were provided, via an online portal in mid-February 2025. A draft of this substantive application (with placeholders for sections addressing Māori cultural values) was provided on 3 March 2025 and draft versions of the proposed consent conditions were made provided on 12 March 2025.

Through this FTA specific engagement, POTL offered support and resourcing to enable the above groups to prepare CVRs for the Project by way of Service Level Agreements and resourcing (as described in detail in ‘Service Level Agreements and Resourcing’ section of the Cultural Consultation Report (**Appendix 18**)). POTL note that the overall resourcing amount available to each group through the agreements was \$40,000 with over \$800,000 being made available to support iwi and hapū pre-lodgement engagement. The intention of these agreements was to enable the groups to identify their respective cultural values and interests, and the potential impacts of the Project on these, in turn, enabling those impacts to be appropriately addressed and thus informing the Project, its impacts and the proposed consent conditions provided to address adverse effects.

Throughout the pre-lodgement consultation, tangata whenua representatives expressed concerns about the limited time provided for review of the application, production of CVRs

and discussions about potential mitigation of effects on cultural values. At least four formal letters were sent to either POTL's Chief Executive or the Board Chairperson seeking an extension to the timeframes. In response to this feedback, while acknowledging the historical consultation and consistent scope of the Project with the previous RMA application, POTL deferred its planned lodgement date by a fortnight (from 31 March 2025 to 14 April 2025) to provide additional time for the preparation of the CVRs.

As set out in Section G of **Appendix 18** to this report, CVRs have been received from:

- > Ngāti Ranginui Fisheries Trust;
- > Ngāi Tamarāwaho (on behalf of Ngai Tamarāwaho Hapū and Ngai Tamarāwaho Tribal Authority Trust);
- > Ngāti Pūkenga (Te Tāwharau o Ngāti Pūkenga and Te Rūnanga o Ngāti Pūkenga ki Tauranga on behalf of the whānau of Ngāti Pūkenga);
- > Te Kapu o Waitaha Trust on behalf of Waitaha iwi;
- > Ngāti Ranginui Iwi Society;
- > Ngāti Tapu; and
- > Ngāi Tukairangi Hapū Trust;
- > Ngā Pōtiki a Tamapahore Trust;
- > Ngāi Te Rangi Settlement Trust; and
- > Tauranga Moana Customary Fisheries Trust.

Further to those listed above, POTL received the Ngāi Te Rangi final CVR on the 14 April 2025. It contains a set of recommendations that were not previously included in the draft CVR received and POTL has not had sufficient time to fully consider their recommendations.

Acknowledging that the CVRs are the intellectual property of the respective groups and contain mātauranga knowledge, as set out in Section 6.4 of this report, POTL has utilised the information provided in these documents to inform the Project and guide the proposed measures to address any actual and potential cultural impacts of the Project on cultural values and associations as they apply to Te Awanui/Tauranga Harbour.

8.2.3 Ngā Tai ki Mauao and Ngāti Kuku

As set out in the section 'Ngā Tai ki Mauao and Ngāti Kuku' of the Cultural Consultation Report (**Appendix 18**), POTL gave particular regard to both Ngā Tai ki Mauao, Ngāti Kuku and Whareroa Marae when developing the engagement process, due to proximity of their



interests to the Port and in light of the consideration of the Environment Court decision. While POTL has endeavoured to approach engagement with the groups as it has with the other iwi and hapū, POTL note that:

- > Beyond the initial in-person engagement with POTL's Specialist Advisor – Māori Relationships with Ngā Tai ki Mauao and Ngāti Kuku representatives at the Tauranga Moana Trust Board, there has been no in person engagement between the POTL Leadership, Ngā Tai ki Mauao Leadership and Ngāti Kuku leadership during the engagement period;
- > Formal correspondence between POTL leadership, Ngā Tai ki Mauao and Ngāti Kuku has ensued;
- > POTL has provided all draft project information (including the draft application, technical assessments and consent conditions) including service level agreements, weekly pānui (newsletters), invitations, and other relevant documentation through access to DropBox;
- > A Ngāti Kuku consultant representative was in attendance at the Information Forum 5, where specific concerns related to the air quality expert report and the lack of cumulative effects were raised; and
- > Clarifications and concerns have been received by Ngāti Kuku consultant representative about the Project and process and correspondence has indicated a CVR will be provided directly to the EPA/Panel and not to POTL directly.

Notwithstanding to process to date, POTL is still committed to engagement with Ngā Tai ki Mauao, Ngāti Kuku and Whareroa Marae on the Project and will continue to make efforts to engage in good faith.

8.2.4 **Conclusion**

Overall, POTL recognise that the delivery of engagement was fast-paced and intensive to match the speed of the FTA application process, and there were a number of engagement events that took place over the January – April 2025 period prior to lodgement.

As set out in Section 6.4 of the report, the consultation process resulted in feedback, via CVRs from some groups, that have provided valuable insights into the values and associations, issues, aspirations and desired mitigations/actions of the groups. This feedback has helped inform the final scope of the application including the proposed mitigation and management measures, which are formalised through the proposed Regional Council consent conditions (**Appendix 5**).



Whilst the consultation process received varying degrees of feedback, POTL consider that there were some elements that went beyond what was required by the FTA and groups were funded to participate and produce CVRs. For the most part the objectives of the engagement have all been met, however, POTL will take learnings forward to improve ongoing relationships and future engagement processes between POTL and iwi and hapū.

Finally, further to the pre-lodgement consultation undertaken with tangata whenua parties, POTL recognise that, in accordance with section 53 (2)(b) and (c) of the FTA, relevant iwi authorities and Treaty settlement entities have the opportunity to provide written comments on the substantive application, once it has been received by the Panel.

8.3 ENGAGEMENT WITH TAURANGA AIRPORT AUTHORITY

As part of the pre-lodgement process for the Project, POTL engaged with the Tauranga Airport Authority regarding the development of the proposed cranes. The engagement focused on the matters of discretion applicable to the rules for Port cranes under the RCEP and TCP (refer to Sections 5.1.7.2 and 5.1.7.5 of this report respectively). The assessment against these matters is provided in Section 6.15 of this report.

This consultation culminated in a letter of support from the Chief Executive of the Tauranga Airport Authority, dated 25 February 2025, which outlined that the Tauranga Airport Authority supports the Project with the provision that POTL complies with condition 1 of the Civil Aviation Authority's Navigable Airspace Determination dated 21 June 2021 (both the letter and determination are provided in **Appendix 20**). The condition identified was:

The cranes operating within the proposed area must be continuously lit at the highest point of the crane and at the end of the boom with an appropriate obstacle light in accordance with (IAW) Civil Aviation Rule Part 77, Appendix B.

POTL accepts the inclusion of the above condition, provided for as condition 18.5 of the proposed Regional Council structures conditions and condition 5 of the proposed City Council crane conditions (**Appendices 5 and 5a** respectively).

9. TREATY OF WAITANGI SETTLEMENT OBLIGATIONS

In accordance with the information requirements for a substantive application under section 43(2) of the FTA, this section of the report provides a list of any Treaty settlements that apply to the Project area, and a summary of the relevant principles and provisions in those settlements.

Those Treaty Settlements or, where relevant, the resulting legislation, that apply to the Project site are:

- > Ngāti Pūkenga Claims Settlement Act 2017;
- > Waitaha Claims Settlement Act 2013;
- > Ngā Hapū o Ngāti Ranginui Claims Settlement Bill 2015;
- > Ngāi Te Rangi and Ngā Pōtiki Claims Settlement Bill 2016;
- > Tauranga Moana Iwi Collective Redress Bill 2015; and
- > Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

Further to the commentary on the Treaty settlements and their obligations and how the Project aligns with these provided for in the respective CVRs received from the Treaty settlement entities, a summary of the relevant principles and provisions as they relate to the Project are provided as **Appendix 28** to this report.



10. STATUTORY ASSESSMENT – RESOURCE CONSENTS

10.1 INTRODUCTION

In assessing FTA applications, panels are to give the greatest weight to the purpose of the FTA, which is “to facilitate the delivery of infrastructure and development projects with significant regional or national benefits”.⁸⁸ Section 81(4) of the FTA states that, when taking into account the purpose of the FTA, the panel must consider the extent of an application’s regional or national benefits.

The FTA introduces a decision-making process which encompasses several existing regulatory statutes and regulations to enable applicants for proposals with significant regional or national benefits to go through one application process to obtain the necessary approvals. The approval process enshrined in the FTA applies instead of the processes provided for under other legislation.⁸⁹

The FTA puts in place a single assessment framework for addressing various consenting and permitting obligations relevant to a given application. Relevantly to this application, these include resource consent requirements under the RMA and Wildlife Act approvals, as discussed in Sections 5 and 11 of this report.

As discussed earlier in this report, the Project is a “listed project” in Schedule 2 of the FTA.

Schedule 5 clause 17(1) of the FTA sets out the matters for decision-makers to consider and assess in relation to applications for resource consents, as below.

- (a) *the purpose of this Act; and*
- (b) *the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and*
- (c) *the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.*

Critically, when taking into account the FTA’s purpose, decision-makers must consider “the extent of the Project’s regional or national benefits”.

This section presents an assessment in support of POTL’s application for resource consent. An assessment in support of POTL’s application for wildlife approval is at Section 11 of this report.

⁸⁸ Section 81(2)(b) of the FTA.

⁸⁹ Section 40 of the Act.

10.2 RELEVANT RESOURCE MANAGEMENT DOCUMENTS

Resource consent applications under the FTA must be assessed against the relevant provisions of the applicable Statutory documents. Those documents are⁹⁰:

- > A national environmental standard;
- > Other regulations made under the Resource Management Act 1991;
- > A national policy statement;
- > New Zealand Coastal Policy Statement (“**NZCPS**”);
- > A regional policy statement or proposed regional policy statement;
- > A plan or proposed plan; and
- > A planning document recognised by a relevant iwi authority and lodged with a local authority.

An assessment of the Project against these matters follows.

10.3 PURPOSE OF THE FAST-TRACK APPROVALS ACT 2024

The purpose of the FTA is:

The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

This report presents statistics from the Economic Effects Assessment (**Appendix 1**) that underscore the significance of the existing Port operation. It is sufficient to note that the Port is already an infrastructure asset of regional and national significance, in its role as an international freight gateway for imports and exports and one of only two ports able to accommodate the largest container vessels that visit New Zealand.

The Port’s significance goes far beyond POTL’s direct economic contributions to the economy. It is a critical enabler of economic activity because the Port infrastructure supports other industries to create their own value.

The current constraints on the Port’s cargo throughput mean that without the Project, in the year 2033 an estimated \$792 million to \$1.179 billion would be forgone at the level of the national economy. These losses would equate to a reduction of approximately -0.16% to -0.24% in New Zealand’s GDP. The losses would compound over successive years, until and unless, the constraints are removed.

⁹⁰ Schedule 5, clause 2.

The Project's significance is therefore in removing the constraints on the Port's capacity, such that the opportunity costs estimated above do not eventuate. Consequently, the purpose of the FTA will be most appropriately given effect to through approval of the Project.

10.4 PART 2, RESOURCE MANAGEMENT ACT 1991

Clause 17(1) to Schedule 5 of the FTA requires decision-makers to take account of Parts 2, 3, 6 and 8 to 10 of the RMA.

Pursuant to clause 5(1)(g) of Schedule 5 to the FTA, the requirement to assess an application for resource consent against Part 2 of the RMA is limited to sections 5, 6 and 7, with section 8 of the RMA being excluded. Therefore, an assessment of Part 2 of the RMA is provided below.

10.4.1 Section 5 (Purpose)

The purpose of the RMA is:

5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The Project is consistent with the RMA's purpose because:

- > The increased throughput capacity provided by the Project will make a significant contribution to New Zealand's ability to efficiently process imports and exports. The Project will, therefore, make a notable positive contribution to the ability of New Zealanders to provide for their economic and social wellbeing and needs, now and in the future. That this is the case is signalled by long-standing recognition in the RCEP Outline Development Plan of the Port's need for further expansion;

- > The adverse biophysical effects of the Project are assessed – from a Western science perspective - as low to very low, in many cases without mitigation. Many of the mitigation measures recommended are proven, by their successful use in previous Port dredging and wharf construction developments at this location. As such, the Project will safeguard the life-supporting capacity of air, water, soil, and ecosystems; and
- > The one adverse effect identified in the technical assessments procured by POTL as being of a more than minor level is a “moderate” effect on landscape values in views north-east from Whareroa Marae. The moderate adverse effect will be caused by the enclosure of a north-easterly view from Whareroa Marae, caused by the presence of ships berthing further south along the Sulphur Point wharves than they currently do, and by the presence of additional container cranes located on the extended Sulphur Point wharves. The presence of ships within the harbour does not require a resource consent and is expressly anticipated by the RCEP’s Port Zone and Outline Development Plan. The assessment of cranes is restricted to consideration of effects on airport safety, under RCEP rule PZ 9. Consequently, from a Western science perspective, the Project’s adverse effects that are subject to statutory consideration in the course of assessing this application are all appropriately avoided, remedied or mitigated.

10.4.2 Section 6 (Matters of National Importance)

Section 6 of the RMA provides direction for decision-makers where matters of national importance are relevant:

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*

- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

10.4.2.1 Sections 6(a), 6(b) and 6(c)

With regard to section 6(a) of the RMA, regarding preservation of the natural character of the coastal environment, the Project location is in an established and highly modified Port Zone. This location is entirely appropriate to host the Project, as is signalled by the RCEP's Outline Development Plan for the Port. Nonetheless, an expert assessment was commissioned, and the resultant Landscape Effects Report (**Appendix 17**) confirms the Project's adverse natural character effects as being of a very low order.

The Project does not encroach into any outstanding landscapes or features nor any areas of significant vegetation or habitat that are identified in a statutory document and subject to protection under sections 6(b) and 6(c) of the RMA.

10.4.2.2 Section 6(d)

Public access to the Port is restricted. The Project is within the restricted access area and will not introduce new or additional constraints on public access to the CMA that would offend section 6(d) of the RMA.

10.4.2.3 Sections 6(e) and 6(g)

Section 8.2 of this report describes how POTL consulted extensively with tangata whenua parties who have a relationship with Te Awanui/Tauranga Harbour. This consultation sought to confirm the views of iwi/hapū about the Project's potential effects on cultural and traditional values and protected customary rights, as relevant under sections 6(e) and potentially 6(g) of the RMA.

Sections 6.4 and 8.2 of this report describes that tangata whenua feedback unanimously voices concerns about, and opposition to, Project's effects on cultural values.

This includes concerns about the Project causing or exacerbating restrictions on access to the CMA, with consequential implications for customary practices and values such as the exercise of kaitiakitanga, as well as effects on whakapapa, whanaungatanga, kaimoana and mauri.

The expansion of the Port through this Project does not entail additional restrictions on access to Te Awanui/Tauranga Harbour or its resources beyond the restrictions that already apply.

The Project provides for enhanced landing and mooring facilities at Butters Landing. These enhancements will improve the existing access arrangements for both tangata whenua and the wider public who access the harbour and Matakana Island from this location.

From a Western scientific standpoint, the technical assessments point to a preponderance of negligible or low adverse effects. The effects would occur in the context of the RCEP's Port Zone where development has long been anticipated by the Outline Development Plan. These arrangements were tested and established by a public statutory plan-making process, and have persisted over the course of RCEP reviews. From this Western scientific and planning perspective, it is difficult to discern how the Project would unacceptably affect harbour access, or the resources over which customary rights are exercised.

Nonetheless, the proposed Regional Council consent conditions (**Appendix 5**) require that implementation of the Project must occur with a front-and-centre focus on managing potential impacts of the Project on cultural values and interests. While described further in Section 6.4 of this report, these include:

- > The wide and flexible remit of the SPDAG to consider, direct and/or provide recommendations on, the implementation of the consents, including management plans which will guide implementation;
- > The development and implementation of the Mātauranga Management Plan;
- > Requirements for cultural monitoring of the proposed capital dredging;
- > Arrangements for recurring Project-related and more strategic discussions with the most senior POTL representatives; and
- > Obligations on POTL to provide substantial payments to enable multiple tangata whenua-led workstreams relating to the restoration of the health of Te Awanui/Tauranga and abundance projects, recognition of the area's cultural significance, and health/wellbeing and infrastructure outcomes for Whareroa Marae.

These measures provide surety that the Project will not offend the matters that must be considered under section 6(e) of the RMA⁹¹.

⁹¹ Section 6(g) of the RMA requires recognition and provision for "the protection of protected customary rights". No orders or agreements relating to protected customary rights are present in or around the Project site.



10.4.2.4 Section 6(f)

No historic heritage features protected by section 6(f) of the RMA will be affected by the grant of consent for the Project. Cultural monitoring required by the proposed dredging conditions, and the regulatory arrangements relating to archaeological authorities, will guide the management of any accidental discoveries of archaeological/heritage material.

10.4.2.5 Section 6(h)

With regard to section 6(h) of the RMA, the Project has not been assessed as likely to cause or exacerbate, or in turn be compromised by, any significant natural hazard risks. Notably, the Assessment of Effects on Hydrodynamics and Sedimentation (**Appendix 13**) expressly identifies that the proposed capital and maintenance dredging will not result in altered tidal flows or velocities that could generate coastal erosion.

10.4.3 Section 7 (Other Matters)

Section 7 of the RMA is:

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) [Repealed]*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy*

The direction for decision-makers to have "particular regard to" the matters listed in section 7 of the RMA differs to the more directive obligation in section 6 RMA "to recognise and

provide for" matters of national importance. The section 7 RMA matters must be given genuine attention and thought, but may be rejected or accepted only in part.

In terms of section 7(a) of the RMA, the Project seeks to provide for kaitiakitanga by avoiding (from a Western scientific perspective) significant adverse effects on the harbour environment, reducing the Project footprint from that which was originally advanced through POTL's earlier Environment Court direct referral application, and through the proposed consent conditions, which establish a framework for kaitiakitanga to be embedded into the implementation of the consents.

The ethic of stewardship referenced in section 7(aa) is distinguishable from kaitiakitanga (section 7(a)) in that kaitiakitanga relates to the exercise of guardianship by the tangata whenua of an area. Insofar as the Port is a physical resource subject to the ethic of stewardship, POTL's application seeks to ensure that the Project is appropriately located and designed to minimise adverse environmental effects. The technical assessments that support the application demonstrate that this outcome will be achieved.

The Project rationale, described in Section 1.4 of this report, revolves around the efficient use of the Port. The Project is therefore directly responsive to section 7(b) of the RMA. It is also aligned with section 7(ba) of the RMA, as the Project will facilitate visits by larger, more fuel and emissions efficient vessels, driving improved environmental outcomes per unit of freight imported and exported through the Port.

Turning to section 7(c) of the RMA, the Project is appropriately located in the Port Zone, adjacent to the Port Industry Zone in the terrestrial environment and is surrounded by established maritime and allied commercial and industrial development and use. The development is a foreseeable and expected outcome in this environment, given its express recognition in the RCEP, including the specific provision in the Outline Development Plan for a larger-scale version of the Project. The amenity outcomes produced by the Project are therefore entirely consistent with the planned outcomes for the Port, and will integrate into, the surroundings.

The biophysical effects of the Project are assessed in the technical assessments as low to very low. As such, in terms of section 7(d) of the RMA, the Project does not present any undue risk to the intrinsic values of the harbour ecosystem.

The effects management measures specified in the proposed consent conditions will appropriately control temporary effects resulting from construction and dredging activity. In the longer term, the Project will maintain the quality of the environment – as this relates to the Port Zone and the wider environment in which it is located - in line with section 7(f) of the

RMA, given it is an anticipated outcome for the area subject to the Outline Development Plan for the Port.

The Project does not present any complications in terms of section 7(h) of the RMA, which has regard to impacts on finite natural resources. The marine ecosystem within the Project footprint is highly adaptable, as proven by its response to historic capital dredging and regular maintenance dredging. The Project does not intersect any outstanding or significant values protected by section 6 of the RMA. The reclamations will occupy a very small and already highly modified portion of Te Awanui/Tauranga Harbour. The coastal occupation will occur entirely within an area already consented for this purpose.

Climate change effects are unlikely to adversely affect the Port, or be exacerbated, as a consequence of undertaking the Project. As discussed in Section 6.14 of this report, the Port's infrastructure is highly resilient to future climate change impacts. The functional and operational needs associated with the Port's operations preclude the Project from being undertaken in another location.

10.5 PART 3, RESOURCE MANAGEMENT ACT 1991

Clause 17(1) to Schedule 5 of the FTA requires that Part 3 of the RMA (Duties and restrictions under this Act) must be taken into account when considering a consent application. Part 3 of the RMA contains provisions that detail when a resource consent is required in relation to land (section 9), the CMA (section 12) and discharges (section 15). The consent requirements for this Project are detailed in Sections 1.6.1 and 5 of this report.

10.6 PART 6, RESOURCE MANAGEMENT ACT 1991

Part 6 of the RMA contains procedural provisions relating to the making, processing and determination of resource consent applications. The direction of Schedule 5 clause 17(1) of the FTA is to assess applications against the provisions of Part 6 “...*that direct decision making on an application*”. Key considerations are therefore:

- > Section 104 (Consideration of Applications);
- > Section 105 (Matters relevant to certain applications);
- > Section 107 (Restriction on grant of certain discharge permits); and
- > Section 108 (Conditions of resource consents).

The Project is assessed against sections 104, 105 and 107 of the RMA below. POTL's proposed consent conditions are appended to this report (**Appendix 5 and 5a**).



10.6.1 Section 104 (Consideration of Applications)

Relevant parts of section 104 of the RMA are shown below:

104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to—*
- (a) any actual and potential effects on the environment of allowing the activity;*
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) any relevant provisions of—*
 - (i) a national environmental standard:*
 - (ii) other regulations:*
 - (iii) a national policy statement:*
 - (iv) a New Zealand coastal policy statement:*
 - (v) a regional policy statement or proposed regional policy statement:*
 - (vi) a plan or proposed plan; and*
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*
- [...]
- (2B) *When considering a resource consent application for an activity in an area within the scope of a planning document prepared by a customary marine title group under of the Marine and Coastal Area (Takutai Moana) Act 2011, a consent authority must have regard to any resource management matters set out in that planning document.*
- [...]
- (3) *A consent authority must not,—*
- (a) when considering an application, have regard to—*
 - (i) trade competition or the effects of trade competition; or*
 - (ii) any effect on a person who has given written approval to the application:*

10.6.2 Effects and management measures - sections 104(1)(a) and (ab)

Section 104(1)(a) is addressed by the comprehensive technical assessments prepared in support of the Project that accompany this application, which are summarised in Section 6 of this report.

POTL has adopted the effects management measures recommended by the technical assessments which are summarised in Section 7 of this report. Where appropriate, the management measures are reflected in POTL's proposed consent conditions (**Appendix 5 and 5a**).

With the mitigation afforded by the proposed consent conditions, the Project is not anticipated to result in any unacceptable adverse effects on the environment.

Consequently, no measures to offset or compensate for adverse environmental effects (as distinct from mitigation measures) have been identified as necessary under section 104(1)(ab) of the RMA.

10.6.3 National Environmental Standards - section 104(1)(b)(i)

There are currently 10 published National Environmental Standards. Of these, the NESAQ is indirectly relevant for the reasons below.

Schedule 1 of the NESAQ specifies ambient air quality standards for contaminants and sets out a framework for threshold concentrations of carbon monoxide, nitrogen dioxide, ozone, PM₁₀ and sulphur dioxide in discharges to air, and the acceptable number of exceedances of those thresholds per 12-month period. The Project is assessed against those thresholds in the Air Quality Assessment (**Appendix 15**).

NESAQ regulations 17, 20 and 21 specify that resource consent applications to discharge contaminants to air must be declined.

Notwithstanding these provisions, the NESAQ does not apply. As mentioned in Section 3.11 of this report, under the Marine Pollution Regulations 1998, air discharges from normal shipping operations do not require resource consent.

As such, the applicable RCEP and TCP rules do not reserve the consent authorities' discretion over matters related to air discharges. Consequently, the application cannot be declined on the basis of the NESAQ.

Nonetheless, "site specific historical or cultural values under ss 6(e) or 7(a) of the RMA" is a relevant assessment matter under rules PZ 5(g) (Maintenance dredging activities), PZ8(o) (Other buildings and structures in the Port Zone), PZ 10(g) (Specified dredging activities) and PZ 11(f) (Specified reclamations) of the RCEP.

As such, POTL commissioned an Air Quality Assessment (**Appendix 15**) to ensure that the potential air quality effects on Whareroa Marae that would be enabled by the Project are appropriately considered.

As set out in Section 6.13 of this report, the Air Quality Assessment confirms that existing air quality at Whareroa Marae meets all of the relevant New Zealand standards and guidelines. The assessment demonstrates that the air quality effects of activities enabled by the Project are negligible in comparison to the applicable standards and guidelines.

For completeness and to provide certainty, the Air Quality Assessment assesses the potential air quality effects of the activities enabled by the Project against the WHO 2021 air quality guidelines. The WHO 2021 guidelines have not been adopted in New Zealand and are more stringent than the current New Zealand standards and guidelines.

Even so, when assessed against the more stringent WHO 2021 guidelines, the Project has negligible adverse effects on air quality for most contaminants, or (for annual average NO₂ concentrations, and 24-hour SO₂ concentrations) a small (5%) increase. The incremental additional effect of these small increases is not predicted to have a measurable effect on worst-case concentrations of these contaminants.

No other National Environmental Standards are relevant to this Project.

10.6.4 Other Regulations - section 104(1)(b)(ii)

No other regulations have been identified as relevant to this application.

10.6.5 National Policy Statements - section 104(1)(b)(iii)

There are seven published National Policy Statements. They provide direction regarding freshwater management, greenhouse gas emissions from industrial process heat, highly productive land, indigenous biodiversity, renewable energy generation, electricity transmission and urban development. Only the National Policy Statement for Indigenous Biodiversity 2023 (“**NPSIB**”) is relevant to this Project.

The NPSIB applies in the terrestrial coastal environment and applies to specified highly mobile fauna. Several of the avifauna species identified in the Assessment of Effects on Birds (**Appendix 2**) as visitors to the Port come under the definition of “specified highly mobile fauna”, including tarāpunga/red-billed gull and kuaka/eastern bar tailed godwit. Therefore, the NPSIB is relevant to this Project.

The potential adverse effects of the Project in the coastal terrestrial environment relate to the relocation of the gull colony and penguins at the Mount Maunganui wharves, described in Section 6.8 of this report. Those effects are assessed as temporary and less than minor,



and the comprehensive mitigation measures (detailed in the Avifauna Management Plan (**Appendix 2a**)) are expected to enhance the outcomes for all birds.

As such the Project is consistent with the NPSIB provisions, noting particularly that:

- > To reduce uncertainty about where the relocated birds will choose to move to, a precautionary approach will see the new rock wall habitat and nesting boxes established before the existing rock wall is dismantled (Policy 3);
- > The specified highly mobile fauna species of interest are indigenous biodiversity located outside a Significant Natural Area. The presence of this biodiversity will be maintained and enhanced by the proposed mitigation measures for gulls and penguins (Policy 8) while the benefits of the Port activities to New Zealand's social and economic wellbeing will be supported at the same time (Policy 10); and
- > The populations of specified highly mobile fauna species in question (gulls and penguins) will be managed to maintain the population (Policy 15).

Given the Project's consistency with the above policies, it supports the NPSIB's objective: *"to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity"*.

10.6.6 New Zealand Coastal Policy Statement 2010 - section 104(1)(b)(iv)

The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. To this end, the NZCPS includes seven objectives and 29 policies.

The themes of the NZCPS provisions relevant to this Project are summarised and assessed below.

10.6.6.1 The Treaty of Waitangi, tangata whenua and Māori heritage

Objective 3 of the NZCPS is:

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating mātauranga Māori into sustainable management practices; and*

- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

Policy 2 of the NZCPS implements this objective by specifying matters to be addressed when accounting for the principles of the Treaty of Waitangi, as follows:

Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage

In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:

- (a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;*
- (b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;*
- (c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;*
- (d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga, may have knowledge not otherwise available;*
- (e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū*

As summarised in the Cultural Consultation Report (**Appendix 18**), POTL has consulted widely with tangata whenua in accordance with the requirements of section 13(4) of the FTA. However, the ongoing relationship of tangata whenua with Te Awanui/Tauranga Harbour is clear to POTL, from the range and detail of issues, opinions and values canvassed in discussions with tangata whenua in recent years and reiterated in the consultation associated with this FTA application. POTL is proffering consent conditions to ensure that:

- > The relationship of iwi/hapū with Te Awanui/Tauranga Harbour is recognised;
- > Specific opportunities are provided for:
- > Mātauranga Māori to be implemented;
- > Kaitiakitanga to be exercised; and
- > Tangata whenua are involved in the implementation of the consents.



This approach is expressed in, and is central to, the proposed Regional Council consent conditions (**Appendix 5**) that POTL is proffering that require POTL to:

- > Seek to establish the SPDAG composed of iwi/hapū with a relationship to Te Awanui/Tauranga Harbour;
- > Support the SPDAG in preparing a Mātauranga Monitoring Plan, which would be implemented over the Port Zone;
- > Make several substantial payments to the SPDAG and Whareroa Marae. The payments are to facilitate projects that restore the health of the harbour and abundance projects, benefit iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour, or, to support any other project the SPDAG deems appropriate;
- > Ensure the results of kaimoana monitoring at Te Paritaha are provided to the SPDAG, to inform the Mātauranga Monitoring Plan;
- > Report to and liaise with the SPDAG in the event of any exceedance of the turbidity limits specified in the water quality monitoring conditions; and
- > Notify iwi/hapū parties of the pending commencement of dredging and implement cultural monitoring of capital dredging operations.

POTL's proposed consent conditions intentionally empower the SPDAG to chart its own direction when fulfilling its role, which covers:

- > A liaison role between POTL and iwi/hapū with a kaitiaki relationship with Te Awanui/Tauranga Harbour, and a forum for the parties to collaborate in review of the Dredge Management Plan and Reclamation and Construction Management Plan and the implementation of the consents generally;
- > Facilitating cultural ceremonies deemed appropriate by iwi/hapū;
- > An annual strategic planning meeting with POTL's Chief Executive Officer and Chair of Board of Directors;
- > Preparation of the Mātauranga Monitoring Plan, evaluation of data yielded from this plan's implementation and working with the consent holder in relation to any effects identified by the exercise of mātauranga as being of concern; and
- > Administering the funds that the proffered conditions require POTL to pay. The funding obligations in the proposed conditions directly respond to particular matters identified through consultation with tangata whenua.



With respect to other elements of these NZCPS provisions, the guidance provided by relevant iwi management plans is considered later in this report, in accordance with section 104(1)(c) of the RMA.

Based on the foregoing, POTL considers the Project to respond appropriately to objective 3 and policy 2 of the NZCPS.

10.6.6.2 Appropriate use and development in the coastal environment (objective 6 and policies 6, 7, 9 and 10)

The Project's rationale is to remove constraints on throughput capacity at the Port, and the associated (and very large) economic opportunity costs that would arise and endure if these constraints are not addressed.

The Port's future development has been forecast for many years, particularly through the Port Zone and Outline Development Plan provisions of the RCEP (and the higher level port policy CE 14B of the RPS, discussed later), but also the complementary Port Industry Zone provisions of the TCP, which provide for the landside facilities that complement the wharves and shipping channel.

The RCEP underwent the usual public consultation, submission and hearing processes before being made fully operative. The Port Zone and Outline Development Plan provisions have therefore been thoroughly tested and are beyond question.

There is no feasible alternative location at the Port to efficiently provide supplementary wharf capacity. The Project's scale, including the extent of reclamation, is meaningfully reduced from that anticipated by the RCEP Outline Development Plan, as explained in Section 1.7 of this report. Nor (as explained in the Economic Effects Assessment (**Appendix 1**)) can the capacity shortfall be addressed by developments at another port. Other ports are smaller, face their own growth constraints and do not share Tauranga's strategic location near highly productive regions with comparable high demand for import/export infrastructure.

The Project is situated within the busiest port in New Zealand. In the Port Zone environs, the coastal environment has been completely altered from its original state, through historic reclamations, dredging and the development of wharves and ancillary structures. The surrounding terrestrial environment is characterised by robust maritime industry activities, and planning instruments discourage activities that would conflict with the Port.

While some ecological features in the Project footprint have value, none are unique, significant or outstanding when considered from a Western science perspective, and in any



case, the marine ecology, marine mammal and avifauna assessments conclude that no ecological values would be affected in a more than minor way by the Project.

The Landscape Effects Assessment describes two key outcomes of the historic modification of the area. Firstly, the Port and its environs now *“...lies towards the bottom of the naturalness spectrum – both in relation to landscape values and natural character values”*. Secondly, *“...the proposed developments would reinforce and consolidate public perceptions of an area that already has a clearly defined identity. The proposed wharf extensions and reclamation would not appreciably alter the identity and sense of place of part of Te Awanui/Tauranga Harbour that is already closely associated with the existing Port, and related maritime, operations”*. It is clear from this that the Port environs have a distinct identity, largely defined by the developments completed since the 1960's.

Without the Project, a significant opportunity to support the community in providing for its wellbeing, currently and for the long-term would be forgone. Expansion of the Port has been signalled in the relevant statutory plans for many years. The highly modified Port environs are an appropriate, if not the only appropriate, receiving environment for the Project. This is, in part, evidenced by the fact that none of the technical assessments identify adverse effects of concern that cannot be successfully addressed by standard mitigation measures.

Consequently, the Project responds well to the directions of NZCPS objective 6 and policies 6, 7, 9 and 10. The Project represents an entirely appropriate development in the coastal environment. Its effects will, where necessary, be confined by the proposed consent conditions to appropriate limits.

10.6.6.3 Safeguarding the biophysical values and processes coastal environment (objective 1, policies 11, 12, 21, 22 and 23)

The Project's principal effects on the biophysical values in the development footprint are the displacement of biota through reclamations and dredging, temporary and spatially confined effects arising from turbidity, and the relocation of gull and penguins from the current rock wall location to new habitat to be provided nearby.

The technical assessments conclude that the Project's adverse effects on biophysical values are of no significance, subject to POTL implementing certain mitigation measures.

Benthic biota are resilient, habituated to regular disturbance and have demonstrated (after historic dredging campaigns) their ability to tolerate disruption and recolonise habitat.

Marine mammals only occur rarely in the Project environs. Some species appear somewhat more occasionally in the wider Te Awanui/Tauranga Harbour. Ultimately, the recommended mitigation measures will avoid or mitigate effects on marine mammals, and these measures



(i.e. turbidity management and deployment of marine mammal observers) are proven, as they have been used in previous dredging campaigns.

Dismantling the rock wall at the Mount Maunganui wharves, which area is used as important habitat by gulls and penguins during vulnerable life stages, is predicted to have no effects of concern. Significant adverse effects will be avoided and the proposed mitigation measures (that will see the existing habitat recreated to a higher standard in a nearby location) will remedy other adverse effects to a minimal level.

Discharges from the dredging are considered unlikely to entrain contaminants of concern, given the underlying sediments and existing background concentrations. In any case, discharges of turbid water from the dredging will be temporary and confined by management of the dredging plume, meaning effects will be acceptable.

The proposed deepening of 10.55 ha of the shipping channel by dredging to 16 m CD depth has been considered in terms of potential changes to hydrodynamic processes. The technical assessment addressing this subject matter concludes that changes will be of a low to negligible scale, and pose no risks in terms of matters like increased flow velocities or coastal erosion processes. No adverse effects on the areas of significant value (i.e., ONFL3 and ASCV-4A) identified in the RCEP are predicted.

The likelihood of harmful aquatic organisms establishing as a result of the Project is limited by the obligations that biosecurity legislation places on POTL and on shipping companies to manage biosecurity risks. These regulatory arrangements are described in the draft Dredge Management Plan (**Appendix 8**).

As such, the Project will safeguard coastal processes and maintain (or, in the case of avifauna, enhance) biological values and coastal water quality. This is consistent with objective 1 and policies 11, 12, 21, 22 and 23 of the NZCPS.

10.6.6.4 Natural character values and natural features and landscapes (objective 2, policies 6, 7, 13, 14 and 15)

As mentioned in Section 10.6.5.1 above, the Landscape Effects Assessment concludes that the environs have ample capacity to absorb the Project's potential landscape and natural character effects without need for mitigation.

A moderate adverse landscape effect on views from Whareroa Marae toward the north/north-east was identified. This would result from the southern-most portion of the Sulphur Point wharf extensions, which would enable vessels to berth further south, and consequently which would bring container cranes further south to un/load vessels. These elements would present additional visual enclosure to this viewpoint from the marae.



As discussed earlier, the Project is appropriate for (and anticipated in) the proposed location, as signalled by relevant statutory plans and policies. The natural character values of the site are very low and would not be diminished by the Project, and the Project will not interface with any natural features or landscapes that are of significant or outstanding value. ONFL3 located to the north of Sulphur Point, at a significant distance from the development footprint.

As indicated by the findings of the Landscape Effects Report, the Project will consolidate development into an already-modified portion of the CMA (consistent with existing statutory plans). This approach will preserve natural character values and avoid effects on important landscape and features. It follows that the Project is consistent with objective 2 and policies 6, 7, 13, 14 and 15 of the NZCPS.

10.6.6.5 Public access to and recreational opportunities in the coastal environment (objective 4, policies 18, 19 and 20)

The Port exclusively occupies space in the CMA and in the wider coastal environment. These exclusive occupation arrangements are consented and are necessary for safety and security, including biosecurity, purposes. It is not feasible for public access to the CMA to be provided through the secure Port premises.

Notwithstanding this, the Project is entirely inside the existing area of consented coastal occupation and therefore, it will not increase the extent of existing restraints on access to the CMA, nor introduce new restrictions on access. Nor will the Project enable public access, particularly vehicular access, to the significant areas identified in NZCPS Policy 20.

Recreational use of the CMA within Stella Passage is controlled by maritime bylaws, and the Project will not prevent recreational users from transiting Stella Passage as they do now.

It is assessed that the Project presents no issues in respect of the outcomes sought by NZCPS objective 4 and related policies 18, 19 and 20.

10.6.6.6 Managing natural hazard risks in the coastal environment (objective 5, policies 25 and 27)

The functional and operational needs of the Port necessitate the Project's siting in an area exposed to coastal hazards and climate change effects. There is no alternative location less exposed to coastal hazards that the Project could occupy.

Nonetheless, the design of the proposed wharves is consistent with the existing wharves, which are resilient to sea level rise, even at the high end of projections.

The Project has not been identified as likely to generate, exacerbate or displace, coastal hazard risks. In particular, the Assessment of Effects on Hydrodynamics and Sedimentation

(**Appendix 13**) specifically considers the Project’s potential to cause or exacerbate shoreline erosion at certain points around Te Awanui/Tauranga Harbour, and concludes that this is highly unlikely.

Therefore, the Project fits comfortably with the outcomes envisaged by Objective 5 and policies 25 and 27 of the NZCPS, which in turn acknowledge that avoiding exposure to coastal hazards is not necessarily practicable in all cases.

10.6.7 Bay of Plenty Regional Policy Statement - section 104(1)(b)(v)

Regional Policy Statements must give effect to higher-order planning documents (like the NZCPS) and must state objectives, policies and methods to manage the region’s significant resource management issues.

Themes within the relevant provisions of the RPS are identified and assessed in a consolidated manner below.

10.6.7.1 Appropriate use and development in the coastal environment (objective 4, policies CE 5A, CE 8B, CE 11B, CE 14B and IR 5B)

Objective 4 of the RPS is to “*Enable subdivision, use and development of the coastal environment in appropriate locations*” while Objective 3 requires “*Equitable and sustainable allocation of public space within the coastal marine area*”.

Policies CE 5A, CE 8B, CE 11B and IR 5B are:

- > To zoning for activities that have a functional and positional need to locate in the coastal marine area (policy CE 5A);
- > When considering natural character effects, have “particular regard” to matters including (but not limited to) (policy CE 8B):
 - > The existing level of natural character;
 - > The appropriateness of the proposed modifications, cognisant of planned (consented, zoned or designated) activities;
 - > Effects on particularly sensitive natural character values;
 - > Efficient use of occupied space through intensification and clustering of developments, rather than sprawling, sporadic or unplanned patterns of growth;
- > To require applications for coastal occupation to demonstrate a functional or positional need for the space and efficient use of the coastal resource, and in addition, considering the effects of allocating coastal space, such as public benefit, recreation,

ecology, natural character and natural features and landscapes, Māori customary practices and existing uses (policy CE 11B); and

- > Consider a proposal's cumulative effects on natural character, matters of significance to Māori, water quality, efficient use of space, coastal processes and the efficiency and function of infrastructure (policy IR 5B).

It is worth reciting RPS policy CE 14B in full given its specificity to the Port:

Policy CE 14B: Providing for ports

Recognise the national and regional significance of the Port of Tauranga and the need for it to be located within the coastal environment by:

- (a) Safeguarding the capacity and efficiency of:*
 - (i) Current port operations*
 - (ii) Activities that have a functional need to be located in and around the port;*
 - (iii) The strategic road, rail and sea routes to the port; and*
- (b) Providing, as appropriate, in the regional coastal plan, for future port operations and capacity; and*
- (c) Having regard to potential adverse effects on the environment, providing for the need to maintain shipping channels and to renew/replace structures as part of ongoing maintenance; and*
- (d) Avoiding activities in areas that may compromise port operations.*

The Project's significance is described in detail in the Economic Effects Assessment (**Appendix 1**). The Port is also identified as being regionally significant in the RPS.

The Project is in the Port Zone – which as the name implies, specifically provides for the Port - and furthermore is a “planned” outcome insofar as it is anticipated by the Outline Development Plan (refer to Figure 31-Figure 34).

The Port's occupation of coastal space is already consented, and the development of additional structures occupying coastal space in the authorised occupation area is expressly anticipated by the RCEP Outline Development Plan.

The Project location avoids sites of significance or outstanding value. Technical assessments reveal that adverse cumulative effects of note will be avoided, while significant positive cumulative effects will derive from the additional capacity afforded by the removal of constraints on the Port's cargo throughput capacity.



10.6.7.2 Natural character and ecological functioning of the coastal environment

Objective 2 of the RPS seeks “*Preservation, restoration and, where appropriate, enhancement of the natural character and ecological functioning of the coastal environment*”. Related policies CE 2B, CE 4A, CE 6B, CE 8B and CE 9B are directed towards:

- > Outside areas of “outstanding” natural character, avoiding significant adverse effects on coastal natural character, and avoiding or managing adverse effects that are not significant (policy CE 2B), and ensuring development is appropriate to the natural character of the coastal environment (policy CE 8B);
- > Protecting, restoring and enhancing the natural functioning of coastal margins (policy CE 4A); and
- > Protecting indigenous biodiversity (policy CE 6B) and safeguarding the life-supporting capacity of coastal and marine ecosystems (policy CE 9B).

For similar reasons as given in relation to the comparable themes of the NZCPS, the Project is acceptable when considered against these RPS provisions.

It avoids areas of outstanding natural character or landscape values and areas of significant indigenous biodiversity. It is located in a highly modified existing port environment and demonstrates a functional need for the proposed location. It will not reduce or compromise the life supporting capacity of the ecosystems that will be intersected, noting that the benthic environment has proven resilient and adaptive to previous similar proposals.

10.6.7.3 Tangata whenua role in management of the coastal environment

Objective 13 requires that “*Kaitiakitanga is recognised and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are systematically taken into account in the practice of resource management*”.

Objective 15 requires “*Water, land, coastal and geothermal resource management decisions have regard to iwi and hapū resource management planning documents*”.

Objective 17 requires “*The mauri of water, land, air and geothermal resources is safeguarded and where it is degraded, where appropriate, it is enhanced over time*”.

The relevant policies implementing these objectives are:

- > Policy IW 4B: Taking into account iwi and hapū resource management plans;
- > Policy IW 5B: Adverse effects on matters of significance to Māori;
- > Policy IW 6B: Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects;



- > Policy IW 2B: Recognising matters of significance to Māori; and
- > Policy IR 4B: Using consultation in the identification and resolution of resource management issues.

Iwi and hapū resource management plans are reviewed separately in this report (as per RPS policy IW 4B). The explanatory notes to policy IW 4B state *“Most iwi and hapū prefer consultation as a more appropriate means of identifying the extent of cultural impacts and means of resolving them”*. To this end, POTL consulted extensively with tangata whenua. The consultation effort expanded on consultation undertaken in preceding years about previous applications for this Project.

POTL has made considerable efforts to establish and maintain a transparent and meaningful consultation process, at no small cost to itself. This effort included the near-continuous involvement of appropriate senior management and technical staff, and on multiple occasions, its Chief Executive and Chair of the Board. In brief, consultation (detailed in Section 8.2 of this report) has included:

- > Mail and email correspondence between iwi/hapū and POTL’s management through to the Chair of POTL’s Board;
- > Kanohi ki te kanohi meetings between POTL staff and iwi/hapū representatives;
- > A series of in-person and online hui held during February - April 2025. Each hui involved multiple presentations by, and free-flowing question-answer sessions with, the authors of the technical assessments prepared in support of the Project; and
- > POTL frequently reiterating its offer to make its staff and consultants available for topic-specific discussions with tangata whenua on an as-needed basis.

Consequently, POTL established contractual arrangements with interested iwi/hapū for the preparation of CVRs. These arrangements provided a formal vehicle for iwi/hapū to identify concerns and state recommendations to avoid, remedy or mitigate adverse cultural effects, as per policy IW 6B.

POTL has responded to the concerns voiced by:

- > Substantially scaling the Project back from its initial design, particularly at the Mount Maunganui wharves as a measure to minimise potential effects on Whareroa Marae;
- > Designing the Project in a manner to avoid any significant or high adverse effects when assessed from a Western science perspective; and
- > Where necessary, by way of the proposed consent conditions.



In accordance with policies IW 2B and IW 5B, POTL has directly sought to manage potential adverse effects on kaitiakitanga, mauri, mahinga kai, significant sites to tangata whenua, and marae land. Specific consent conditions address these matters as follows:

- > Establishing and funding the SPDAG in its role to (among other things) facilitate the exercise of kaitiakitanga and administer funds provided by POTL to support projects to enhance elements of the harbour environment that influence mauri and mahinga kai or otherwise benefit iwi/hapū who have a relationship to Te Awanui/Tauranga Harbour;
- > The monitoring of Te Paritaha;
- > Substantial payments to the SPDAG and Whareroa Marae to fund:
 - The establishment of pou;
 - An independent audit of consented discharges to the harbour;
 - A longitudinal assessment of health and wellbeing against agreed marae outcomes for Whareroa Marae;
 - Infrastructure projects at Whareroa Marae;
 - POTL's funding and preparation of a land use policy addressing incompatible activities on land it owns that is located adjacent to Whareroa Marae; and
 - Scholarship funding (to be administered by the University of Waikato) linked to 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.

Given the foregoing, it is assessed that the Project is consistent with policies IR 4B, IW 2B, IW 4B, IW 5B and IW 6B and furthermore, responds comprehensively to and will facilitate, the outcomes sought by objectives 13, 15 and 17 of the RPS.

10.6.7.4 Provision for nationally and regionally significant infrastructure

Objective 6 of the RPS is to “*Provide for the social, economic, cultural and environmental benefits of, and the use and development of nationally and regionally significant infrastructure and renewable energy*”. The clause of the related policy that provides direction for infrastructure is set out below, given its relevance to an application for an infrastructure development of regional and national significance:

Policy EI 4B: Recognising the benefits from nationally and regionally significant infrastructure and the use and development of renewable energy

Recognise and provide for the social, economic, cultural and environmental benefits of:

(a) Nationally and regionally significant infrastructure, including:

- (i) The ability for people and goods to travel to, from and around the region efficiently;*
- (ii) Maintaining public health and safety through the provision of essential services, supply of potable water and the collection and transfer of sewage;*
- (iii) Maintaining access to energy so people can meet their energy needs;*
- (iv) Maintaining access to telecommunication services so people can meet their communication needs; and*
- (v) Maintaining reliable and resilient infrastructure for major industrial users and rural production activities to meet their needs to function effectively and efficiently.*

A relevant related policy is NH 6B which exempts activities subject to natural hazard risks from having to implement risk reduction measures where the activity has a significant social, economic, environmental or cultural benefit to the community, or is a lifeline utility, and has a functional need for the location.

The Project is well aligned with these provisions. The Port is the point of entry to the region and its hinterland for many thousands of visitors annually. It is – as elaborated on in the Economic Effects Assessment (**Appendix 1**) – a substantial and critical component of New Zealand’s economy, and the main value of the Project is in removing constraints on import/export flows and thereby enabling businesses in the wider regional and national economies to access international trade.

Furthermore, the Port is a lifeline utility, the Project demonstrates an obvious functional need for a coastal location and is anticipated to yield significant benefits to the community.

10.6.8 Bay of Plenty Regional Coastal Environment Plan - section 104(1)(b)(vi)

The RCEP highlights the following issues for the region:

- > That “*The Port cannot relocate from its current location and its continued operation and incremental growth is of national significance*” (Issue 57);
- > Capital dredging of the shipping channel is required and could have significant adverse effects (Issue 58); and
- > Further works are required to extend the wharves and shipping channels, these are recognised in the Outline Development Plan, are designed to provide for growth and efficiency, but may have adverse environmental effects.



These issues inform related objectives and policies, discussed below.

10.6.8.1 RCEP Objectives

Numerous objectives with general relevance to the Project are stated in the RCEP. They are broadly consistent with the themes already discussed in relation to the NZCPS and RPS but for completeness the Project is considered against relevant objectives below.

- > The Project is an appropriate activity for the location, given the context of the Port environs and the functional and operational need for the dredging and wharf extensions to locate in the coastal environment – objectives 25 to 27, 29, 30, 32, 36 and 53;
- > The Project is a positive outcome for the community in terms of its estimated contribution to the future wellbeing of the community - objectives 28 and 29;
- > The discharges caused by dredging will be short-lived, spatially contained and unlikely to contain contaminant levels of concern – objectives 8 and 9;
- > The Project maintains the ability of tangata whenua to undertake customary activities in the coastal marine area (in particular through the establishment of the SPDAG and related funding mechanisms) to an extent that is compatible with the longstanding recognition of and provision for the Project in the RCEP.
- > It provides for the ongoing exercise of cultural practices such as gathering kaimoana by avoiding (from a Western science perspective) adverse effects on Te Paritaha and other identified sites of significance;
- > Funding of the SPDAG and Whareroa Marae is specifically aimed at supporting workstreams that:
 - Protect and enhance cultural values associated with Te Awanui/Tauranga Harbour and;
 - Are beneficial to iwi/hapū with a relationship to the harbour.
 - The proposed consent conditions also expressly facilitate the application of mātauranga Māori to monitoring activities;
 - Consequently, the Project seeks to mitigate the effects on cultural values identified by iwi/hapū through the Project consultation process - objectives 14 to 18 inclusive.
 - The Project is resilient to, and will not cause or worsen, coastal hazards – objectives 21 and 22;
 - The Project will not introduce new, or intensify existing, limits on public access to the coastal environment – objective 24; and



- The Project is not likely to generate unreasonable noise or light emissions – objective 42.

10.6.8.2 RCEP Policies

The Project is consistent with integrated resource management policies IR 1 and IR 2, given its estimated benefits and functional need for a specific location in the Port Zone;

The Project is an appropriate use and development in terms of policies NH 1, NH 2, NH 5, NH 8, NH 10, NH 13, NH 23, SO 1, SO 2, SO 4, SO 5, SO 7 noting in particular:

- > The Project's functional need for a specific location given it is an upgrade to existing regionally significant infrastructure;
- > Its compatible form and scale with the surroundings;
- > The absence of adverse effects on the values and attributes of outstanding natural features and landscapes, areas of outstanding natural character and indigenous biological areas; and
- > The maintenance of ecological values to sustain indigenous species, particularly benthic fauna, marine mammals and avifauna.

Policies IW 1 to IW 11 reiterate policy direction found in the RPS and NZCPS about the management of proposals that may affect the relationship of Māori with the coastal environment. Reasons why the Project responds positively to these matters are canvassed in Sections 10.6.6 and 10.6.7 above. However, to recap, while the Project is explicitly provided for by the RCEP Port Zone and the Port ODP, it also responds to these policies as follows:

- > It has been scaled back substantially, particularly in terms of the dredging footprint and Mount Maunganui wharf extensions. This measure assists to avoid or mitigate potential visual and air quality effects identified by representatives of Whareroa Marae and assists the Project to avoid adverse effects on coastal access. As such, this measure responds, in particular, to policies IW 2, 8 and 11 of the RCEP;
- > From a Western science perspective, it avoids physically intersecting identified areas of cultural significance and has no unacceptable adverse effects. This aligns with iwi/hapū management plans (refer to Section 10.6.10.2 of this report), which seek to protect, maintain and enhance values associated with Te Awanui/Tauranga Harbour, as per policy IW 4;
- > The Project design and proposed consent conditions are informed by extensive consultation with tangata whenua, including the involvement of POTL's executive

decision-makers. The consultation is summarised in Section 8.2 of this report. CVRs, supported by POTL funding, were requested from iwi/hapū to ensure tangata whenua were afforded appropriate scope and ability to identify their positions on the Project with respect to cultural values and traditions. The themes emerging from the CVRs, and how the Project responds to those themes, are addressed in Section 6.4 of this report. These considerations address the matters canvassed in policies IW 5 and 6 of the RCEP;

- > Through proposed consent conditions, the Project deliberately recognises and provides for iwi/hapū to express their preferences and exercise kaitiakitanga and mātauranga Māori in coastal management. The proposed Regional consent conditions (**Appendix 5**) therefore enable tangata whenua involvement and facilitate mātauranga as per policies IW 7, 8 and 9;
- > Several review points and processes are built into the proposed Regional consent conditions (**Appendix 5**) in accordance with policy IW 10. A section 128 of the RMA review condition is included to facilitate a response to unforeseen effects, but is supplemented by other review mechanisms including:
 - Ongoing dialogue between SPDAG and POTL through annual strategic planning meetings;
 - SPDAG review of any Management Plans that are certified or recertified during the implementation of the consents;
 - Provision for SPDAG to directly feedback any Project-related concerns of iwi/hapū to the consent holder during implementation of the consents;
 - SPDAG's lead role in preparing and implementing a Mātauranga Monitoring Plan and advising the consent holder and Regional Council about the nature of, and potential remedies for, any unforeseen adverse effects identified;
 - The requirements for POTL to publish the certified Management Plans, monitoring and sampling records, SPDAG meeting minutes and Project-related reports and information on the Project website.
- > The proposed Regional consent conditions (**Appendix 5**) include offers of substantial POTL funding for a range of measures/initiatives to benefit the harbour, and other payments to support the social and cultural wellbeing of associated iwi/hapū, particularly Ngāti Kuku and Whareroa Marae. POTL identified these mitigation measures based on the evidence of those parties' representatives in previous proceedings and in lieu of further correspondence or CVR's from those parties. This approach addresses policy IW 9;



- > The Project is likely to satisfy the direction of policies CH 2, CH 3 and SO2 to minimise exposure to (or creation of) coastal hazard risks, as discussed in Sections 6.9 and 6.14 of this report;
- > The Project does not offend the public open space qualities and public access values associated with the coastal environment that policies RA 2 - RA 5 and RA 8 address, given the security requirements associated with the operation of New Zealand's largest port;
- > The proposed dredging can provide benefits in the form of beach renourishment and deposition sites are already consented (policies DD 11, DD 12, DD 15);
- > In accordance with policy CD 1, dredging discharges to the CMA will be temporary and managed to avoid significant adverse effects on the receiving environment and are assessed as unlikely to produce contaminant concentrations that exceed the typical background levels present in the harbour; and
- > The proposed reclamations are associated with an activity that has no alternative location, and cannot be provided through alternative measures, will not encroach over areas with significant values and will be appropriately constructed and finished (policies RM 2, RM 3 and RM 5)

Furthermore, the Project is clearly consistent with the relevant Port Zone policies, which are as follows:

PZ 1 Recognise that the Port of Tauranga is pivotal to the regional economy and a significant component of the national economy, and that its continued operation is of national significance.

The Economic Effects Assessment (**Appendix 1**) underscores the regional and national significance of both the existing Port operations and the opportunity costs that would emerge if the Project is forgone.

PZ 2 Recognise that provision for the development of additional shipping capacity, including capital dredging, in appropriate locations is important to the continued efficient operation of the Port of Tauranga.

The reasons why the Project is appropriately located has been detailed at length in Sections 10.5.6 and 10.5.7 of this report, as well as earlier in this section, and is inherent in policy PZ 3 below. The reasons why additional shipping capacity and capital dredging are critically necessary, and the costs of forgoing the Project, have been reiterated throughout this report and are examined in detail in the Economic Effects Assessment.



PZ 3 Recognise that the structures, and capital dredging identified in Schedule 9 – Outline Development Plan Port of Tauranga, are appropriate within the Port Zone, subject to appropriate management of adverse effects.

The Project is expressly identified in Schedule 9 – Outline Development Plan Port of Tauranga – as shown in Figure 32 - Figure 34 of this report. The proposed structures and dredging have been assessed and the effects are considered to be appropriately managed, which is reinforced by the effects ratings (after mitigation, where required) ascribed by each technical assessment, as set out in Sections 6 and 7 of this report.

PZ 4 Recognise that maintenance dredging within the Port Zone is necessary for the continued operation of the Port, and is appropriate where it is to provide for the purpose of the Port Zone as described in Policy PZ 5.

Following the implementation of the Project, the proposed maintenance dredging is necessary to maintain the operational depth of 16 m CD within the shipping channel. This will ensure the efficient use of the proposed wharves once constructed, providing for clause (a) of policy PZ 5. Maintenance dredging is appropriate and necessary.

PZ 5 Provide for activities that are consistent with the purpose of the Port Zone, which is to:

- (a) Enable efficient use of existing port area, so that the regional community may meet its social and economic needs;*
- (b) Concentrate major new structural development in an area already modified, so that development is guided away from other coastal areas of higher natural character, natural landscape, recreational value, and cultural value;*
- (c) Minimise potential conflict between port activities or port related activities and other activities; and*
- (d) Enable efficient and ongoing storage of vessels in the Tauranga Bridge Marina.*

Activities that will significantly conflict with the achievement of the purpose or compromise Port operations should be avoided.

The most relevant element of this policy is clause (b), which aligns with policies 6(1)(b) and 6(2)(c) of the NZCPS in expressing a preference for the consolidation rather than dispersal of development in the coastal environment, and that activities with a functional need for a location in the CMA should be provided for in appropriate locations. The Project demonstrates these characteristics.

PZ 8 Have regard to the role of beach replenishment sites for the continued operation of the Port or Tauranga and take into account the potential benefits of using sand from dredging for the purpose of beach replenishment. Drawing No 324-75 of Schedule 9 – Outline Development Plan Port of Tauranga, identifies appropriate beach



replenishment sites for sand dredgings from the Port of Tauranga, but other areas may also be appropriate for beach replenishment.

POTL proposes to continue to use the sand pile to store sand from dredging for the purpose of beach replenishment, in line with this policy and the Outline Development Plan. However, in conjunction with the Project, POTL proposes to implement an Avifauna Management Plan (**Appendix 2a**) to minimise potential adverse effects on the bird species that use the sand pile as habitat. The implications of this are expected to be positive, with enhanced ecological outcomes for birds achieved simultaneously with the continued benefits for the community that result from POTLs beach renourishment efforts.

PZ 10 Manage noise from the Port of Tauranga using the Port Zone noise control boundary and appropriate standards.

The Construction Noise Assessment (**Appendix 16**) confirms why NZS6803 is the appropriate instrument to apply to construction noise, identifies a minor exceedance of the standard by night-time dredging at one dwelling and confirms that this represents a negligible adverse effect. It also notes that in terms of the noise levels specified in rule PZ 1, the Project complies and the noise emitted does not require a resource consent.

PZ 11 Consultation and engagement with the iwi of Ngati Ranginui, Ngaiterangi and Ngati Pūkenga and hapū groups that have a recognised relationship with Tauranga Harbour (Te Awanui) shall be undertaken during development of any proposals that involve capital works, other than any structure or building, excluding the Sulphur Point North End Berth shown on Map 270-27C contained in Schedule 9 to this Plan, within the area that the Port of Tauranga Limited has been granted a section 384A occupation permit

As detailed in Section 8 of this report, POTL consulted extensively with the specified parties about the full scope of the Project.

PZ 12 Recognise that reclamation identified in Schedule 9 – Outline Development Plan Port of Tauranga is appropriate in terms of Policy PZ 13 of this Plan and Policy 10 of the NZCPS, provided that any adverse effects are appropriately managed, including by use of off-site mitigation.

Reclamation will be undertaken in a similar manner to previous contemporary reclamations and as described in Section 4.5 of this report. No off-site mitigation measures are required, as the effects of the reclamations are not anticipated to be significantly adverse, given the conclusions of (particularly) the assessments of effects on marine ecology, marine mammals, hydrodynamics and sedimentation and navigation (see Section 6 of this report).

Policy PZ 13 The consent authority will have particular regard to the following matters when considering the form and design of reclamations in the Port Zone:



- (a) *The potential effects on the site of climate change, including sea level rise, over no less than 100 years,*
- (b) *The shape of the reclamation, and, where appropriate, whether the materials used are visually and aesthetically compatible with the adjoining coast,*
- (c) *The use of materials in the reclamation, including avoiding the use of contaminated materials that could significantly adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area,*
- (d) *The ability to remedy, mitigate or off-set significant adverse effects on the coastal environment,*
- (e) *Whether the proposed activity will affect sites of significance to Ngati Ranginui, Ngāi Te Rangī and Ngati Pukenga, and*
- (f) *The ability to avoid consequential erosion and accretion, and other natural hazards.*

The assessments summarised in Section 6 of this report reveal that only low adverse effects are expected to result from the proposed reclamations, and no offsetting measures are necessary. For the reasons discussed previously, the proposed reclamations are not anticipated to present difficulties in terms of natural hazards, including future climate change.

10.6.9 Tauranga City Plan - section 104(1)(b)(vi)

Section 104(1)(b)(vi) of the RMA requires a consent authority to have regard to “*a plan or a proposed plan*”. The TCP provisions are relevant, insofar as it contains objectives and policies pertinent to Port development and a land use consent is required for the proposed cranes to the extent that they will operate above MHWS, in the Port Industry Zone. Relevant provisions are below.

18A.2 Purpose of the Port Industry Zone

The purpose of the Port Industry Zone is to provide for activities that for operational purposes need to be near the harbour, and to provide for the operation of the Port of Tauranga unencumbered by the expectations of amenity outside the Industrial Zones. This zone is specifically dedicated to these activities given the limited amount of land available near the essential infrastructure of the Port.

The objectives and policies specific to the Port Industry Zone are below:

18A.7.1 Objective – Bulk and Scale of Buildings in the Port Industry Zone

The infrastructural and operational needs of the Port of Tauranga are provided for as a matter of priority while limiting the effects of those activities on landscape character and the environment.

18A.7.1.1 Policy – Bulk and Scale of Buildings in the Port Industry Zone

By providing for the operational needs of the Port within defined limits that minimise the impacts of activities and structures within the Port Industry Zone on landscape character.

18A.7.2.1 Objective - Activities in the Port Industry Zone

The limited area available for activities that rely on proximity to the harbour and infrastructure of the Port is retained for activities that rely on that infrastructure or support those activities.

18A.7.2.1 Policy – Activities in the Port Industry Zone

- a. By providing for business activities that rely on proximity to the limited resource of the harbour margin and Port infrastructure, together with complementary activities, while ensuring that activities that do not require such location are directed to other areas of the City;*
- b. Through managing risk and public safety associated with Port activities, and in particular minimising those potential conflicts arising, individually or cumulatively, as a result of sensitive land use activities near hazardous facilities.*

There are no feasible alternative locations for the cranes, given they are a fundamental component of the proposed wharf infrastructure.

Given the proposed cranes are integral to the wharf extensions, they can appropriately locate within the limited area available in the Port Industry Zone.

The cranes are similar in height and form to the existing cranes positioned further north along the existing Sulphur Point wharves. To that end, the new cranes will reinforce the existing, clearly defined landscape character of the Port that is confined to the small portion of the coastal environment within the Port Industry Zone.

Given the foregoing, the Project is consistent with the relevant TCP objectives and policies.

10.6.10 Section 104(1)(c) – Other matters

10.6.10.1 Iwi and hapū management plans

As discussed in Sections 8 and 9 of this report, Te Awanui/Tauranga Harbour has considerable cultural and historical significance to tangata whenua. Numerous management plans identify the aspirations of iwi and hapū for environmental management outcomes within Te Awanui/Tauranga Harbour.

Iwi and hapū management plans are a relevant “other matter” that must be had regard to under section 104(1)(c) of the RMA (and their consideration is required by clause 5(2)(g) of

Schedule 5 to the FTA). As such, this section considers the Project in the context of the following iwi and hapū management plans:

- > Tauranga Moana Iwi Management Plan (2016 – 2026);
- > Ngāti Pūkenga Iwi ki Tauranga Trust Iwi Management Plan;
- > Te Mana Taiao o Ngāi Tamarāwaho Hapū Management Plan;
- > Waitaha Iwi Management Plan;
- > Ngāi Tukairangi - Ngāti Tapu Hapū Management Plan;
- > Ngāi Te Ahi Hapū Management Plan; and
- > Ngāti Kahu Hapū Environmental Management Plan.

Tauranga Moana Iwi Management Plan 2016 - 2026

The Tauranga Moana Iwi Management Plan is a joint planning document that articulates the collective vision and aspirations of Ngāti Ranginui, Ngāi Te Rangī and Ngāti Pūkenga, in relation to Tauranga Moana. “Tauranga Moana” refers to Te Awanui/Tauranga Harbour, adjacent land, and waters (e.g. rivers, wetlands, aquifers & geo- thermal taonga) and the wider CMA. As such, Te Awanui/Tauranga Harbour is a significant element within the wider Tauranga Moana area.

This management plan includes the following provisions relevant to this Project:

- > A holistic and integrated approach is taken to manage the health and wellbeing of the coastal water within Tauranga Moana;
- > Avoid further degradation of the water quality within Tauranga Moana;
- > Reduce the impacts of sediment on Te Awanui;
- > Manage the effects of coastal structures and infrastructure in Tauranga Moana; and
- > Ensure that dredging activities do not adversely affect the mauri of Tauranga Moana.

Ngāti Pūkenga Iwi ki Tauranga Trust Iwi Management Plan 2013

Ngāti Pūkenga iwi is a party to the Tauranga Moana Iwi Management Plan, but also has its own planning document, the Ngāti Pūkenga Iwi ki Tauranga Trust Iwi Management Plan.

This plan states that the policy of Ngāti Pūkenga is to maintain an active position as kaitiaki with regard to issues presented by harbour siltation, pollution and effects on mangroves, kai moana and taonga species. The iwi seeks to be actively involved in the monitoring and management of waterways and estuaries and in decision making that affects traditional practices of food gathering and species.



Te Mana Taiao o Ngāi Tamarāwaho Hapū Management Plan 2021

Te Mana Taiao o Ngāi Tamarāwaho Hapū Management Plan includes the following provisions relevant to this Project:

- > Discharges to air shall meet the necessary standards, and all options should be explored to avoid, mitigate or remedy air discharges. Ngāi Tamarāwaho expect to be consulted within related to discharges to air within their rohe; and
- > Protect and preserve the water quality of waterways, including Te Awanui/Tauranga Harbour. Ngāi Tamarāwaho expect to be consulted and actively participate in engagement related to development within Te Awanui/Tauranga Harbour.

Waitaha Iwi Management Plan 2014

The Waitaha Iwi Management Plan includes the following provisions relevant to this Project:

- > The prevention of coastal erosion and sedimentation within Te Awanui/Tauranga Harbour; and
- > Enable Waitaha to give effect to their kaitiaki responsibility with adequate resourcing for monitoring of erosion, sedimentation and siltation within Te Awanui/Tauranga Harbour.

Ngai Tukairangi - Ngāti Tapu Hapū Management Plan 2014

The Ngai Tukairangi - Ngāti Tapu Hapū Management Plan includes the following provisions relevant to this Project:

- > That all resource consent applications that potentially impact on kai moana are avoided, remedied or mitigated;
- > Any impact relative to dredging activity carried out in Te Awanui must have mitigation of impacts to kai moana outlined in resource consents;
- > Consent conditions relative to mitigation of impacts on kai moana must be carried out in conjunction with tangata whenua;
- > Dredged materials should be made available for the restoration and maintenance to areas susceptible to erosion as a mitigation measure;
- > That land reclamation does not impact upon the natural character of coastal foreshores of Waipu and Rangataua; and
- > That any land reclamation resource consent applications in Te Awanui are coupled with meaningful consultation with hapū.



Ngāi Te Ahi Hapū Management Plan 2013

The Ngāi Te Ahi Hapū Management Plan includes the following provisions relevant to this Project:

- > Ngāi Te Ahi are notified before any work is undertaken within their rohe, including activities that interfere or disturb taonga such as kai moana and breeding grounds for flora and fauna; and
- > Developments follow sustainable practices that align with Ngāi Te Ahi's cultural perspective.

Ngāti Kahu Hapū Environmental Management Plan 2011

The Ngāti Kahu Hapū Environmental Management Plan includes the following provisions relevant to this Project:

- > Te Rūnanga o Ngāti Kahu seeks to be kept informed on all matters affecting Te Awanui/Tauranga Harbour;
- > Ngāti Kahu recognise and seek avoidance of adverse effects on coastal cultural landscapes regardless of whether areas are significant;
- > Ngāti Kahu require that visual intrusion or obstruction of views as a result of built structures are avoided;
- > Ensure that the erection of lights on coastal structures does not adversely affect the natural character and amenity values around Tauranga's coastline;
- > Ngāti Kahu require that any Assessment of Environmental Effects around coastal resource consents includes an assessment of cultural (including cultural relationships to the environment) and social effects on Ngāti Kahu and addresses the potential and cumulative effects on the natural character of the coastal environment;
- > Ngāti Kahu seek to protect and enhance kai moana and kai mataitai for future generations; and
- > Ngāti Kahu do not support any further hard development of/on the coast and waterways and oppose the development of additional marinas and/or jetties.

Matakana and Rangiwaea Hapū Management Plan October 2012

The Matakana and Rangiwaea Hapū Management Plan includes the following provisions relevant to this Project:



- > That hapū are rangatira of their whenua and rohe, accord high importance to kaitiaki duties, and aspire to the protection of wāhi tapu and taonga and environmentally sustainable development;
- > That the islands and their harbour and coastal surroundings contain various environments containing flora and fauna that are important taonga to the hapū. These include the Bar-tailed Godwit (Hakakao) and Short-finned Eel (Tuna). More broadly, Te Awanui/Tauranga Harbour is a key resource that underpins the hapū cultural identity and manaakitanga;
- > The depletion of kaimoana and fisheries stocks, degradation of coastal environments and associated negative impacts are major concerns and the hapū want recognition of mana motuhake over a 2 km radius commercial-free exclusive zone around the islands;
- > That four key areas of environmental threats relate to indigenous biodiversity, human activity, poor planning and policies and natural hazard events. The Management Plan identifies that planning policies facilitating POTL dredging and the harbour shipping lanes are considered to present environmental threats, including in relation to biosecurity and artificial light spill.
- > That the hapū oppose dredging of the harbour and want full consultation and engagement for any request or consent for dredging.

Environmental goals stated in this Management Plan include:

- > Protecting and enhancing areas of natural, cultural and historical significance;
- > Decreasing sedimentation and ensuring discharges to water and land meet environmental and cultural standards;
- > Sustainable management of kaimoana by hapū members, including adherence to tikanga and kaitiakitanga practices; and
- > Maintaining the Islands role as the Guardian of Te Awanui/Tauranga Harbour.

Ngāi Te Rangi Iwi Resource Management Plan 1995

While Ngāi Te Rangi is a partner in the joint Tauranga Moana Iwi Management Plan 2016 discussed earlier in this section, Ngāi Te Rangi also has a separate Iwi Resource Environmental Management Plan dated 1995. That Management Plan includes the following provisions relevant to this Project:

- > Te Awanui/Tauranga Harbour is of special significance. All Ngai Te Rangi marae are located near the harbour foreshore.
- > The effects of industrial, commercial, residential, and recreational activities on the harbour's water quality, wildlife and kaimoana are of continuing concern;



- > A noticeable decline in kaimoana is attributed to urban and Port growth, particularly dredging, discharges to the harbour and construction of the Tauranga Harbour Bridge;
- > Dredging-derived changes to tidal flows are identified as causing erosion of the Maungatapu and Matapihi foreshores and parts of Waimapu, Rangataua, Te Tehe and Waipu estuaries;
- > Permitted discharges of effluent, industrial, commercial and shipping wastes to the harbour must be phased out and resource consents for discharges linked to levies for a fund for environmental improvements to the harbour;
- > Only essential harbour dredging to maintain shipping lanes and remove sediment/sand build up, should take place;
- > Sand dredgings must first be made available for the restoration or maintenance of estuarine beaches and foreshores, and for other projects that are consistent with good environmental management; and
- > The natural physical appearance of the harbour is to be retained. Future development plans of the Port must have regard to the need to both protect and contribute to the maintenance of the harbour.

Tūhoromatanui Ngā Pōtiki Environmental Plan 2019-2029

The Tūhoromatanui Ngā Pōtiki Environmental Plan includes the following provisions relevant to this Project:

- > Te Tāhuna o Rangataua (previously, Rangataua Bay) is a registered wāhi tapu area under the Heritage New Zealand Pouhere Taonga Act 2014. However, it is affected by issues including degraded water quality, loss of mahinga kai, pest plants and animals and erosion and/or inundation.
- > Improving the health of Te Tāhuna o Rangataua is a priority objective. Ngā Pōtiki seeks to restore this, and other coastal and freshwater fisheries, such that taonga fish and kaimoana species are abundant and healthy and Ngā Pōtiki can fulfil its manaakitanga obligations. Policy directs that this kaimoana restoration programme will involve water quality improvements, riparian planting, wetland restoration/creation and pest plant/animal control;
- > Ngā Pōtiki seeks collaboration with local and central governments to invest in spatial planning, state of the environment reporting (using mātauranga-based monitoring tools and indicators) and restoration of the natural balance of Te Tāhuna o Rangataua and the Rangataua catchment;



- > Quarrying of land (Mangatawa) in the Pāpāmoa/Te Tumu area to provide for the Port and roading projects has adversely affected Ngā Pōtiki, by destroying cultural sites including pā and wāhi tapu. Ngā Pōtiki seeks to ensure that activities affecting land associated with maunga protect sites and areas of significance to tangata whenua;
- > Ngā Pōtiki seeks to explore the feasibility of small-scale aquaculture (freshwater, coastal or land based) within the takiwā to provide kaimoana for the marae.

Assessment

POTL acknowledges that only tangata whenua can comment authoritatively on the values associated with cultural traditions, sites and resources. As summarised in Section 8.2 of this report and detailed in the Cultural Consultation Report (**Appendix 18**), POTL has consulted widely with tangata whenua groups with an interest in the Project. It recognises that policy IW 5 of the RCEP confirms that only tangata whenua can identify and substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.

POTL acknowledges the collective iwi/hapū opposition to the Project, based on cultural effects.

Nonetheless, from a Western planning perspective, POTL consider that the key themes that emerge from provisions of the iwi/hapū management plans relevant to the Project are:

- > Tangata whenua are kaitiaki of Te Awanui/Tauranga Harbour and consequently, expect meaningful consultation about and involvement in decision-making about proposals that affect Te Awanui/Tauranga Harbour;
- > Sedimentation / discharge activities into the harbour must be reduced and the harbour's water quality improved;
- > Coastal erosion must be managed and mitigated;
- > Adverse effects on taonga (including kaimoana) in the harbour, including effects deriving from dredging or the development of structures in the CMA, must be avoided or appropriately mitigated;
- > Sites and areas of cultural significance, including wāhi tapu, urupa and customary sites, must be managed and protected; and
- > Adverse effects on the natural character of the coastal environment must be avoided by managing the visual effects of new structures, artificial lighting and reclamations.

The following points address these themes.



- > The proposed capital dredging and Mount Maunganui wharf extension are substantially reduced from the scale anticipated by the RCEP Outline Development Plan and from what was originally applied for in the previous Environment Court direct referral proceeding (Section 1.7.2 of this report describes the reduced extent). These reductions have been retained in POTL's substantive application in response to concerns raised by tangata whenua in that earlier proceeding;
- > The Project does not seek to constrain the kaitiaki role of tangata whenua. It does not introduce or intensify existing restrictions on public access to the coastal environment around the Port. The Project has no known adverse effects on sites or values that are understood to attract kaitiaki responsibilities, but the Project will provide a long-term funded role for the SPDAG to develop, implement and oversee kaitiaki actions in the Port area. The funding provided by the proposed Regional consent conditions (**Appendix 5**) is substantial and the conditions of the funding are flexible, enabling SPDAG to determine and invest in any harbour health, beneficial iwi/hapū projects, or other projects, it considers appropriate;
- > The Hydrodynamics and Sedimentation Effects Assessment report reveals that turbidity generated by dredging is of low intensity compared to the status quo conditions, which are mostly influenced by inputs from land. Dredging-derived turbidity will be temporary, localised, and comparable to or less than, background levels. Coastal erosion will not be generated or intensified by the modifications to the shipping channels flows that result from dredging as no substantial changes to flow velocities or patterns are anticipated to be generated;
- > The Project footprint does not intersect any areas of known taonga identified in the planning documents. The dredging plume will be controlled to avoid Te Paritaha and the Whareroa Marae foreshore;
- > The Project avoids known areas of cultural significance such as wāhi tapu, urupā or ASCV-4A. A condition of consent requires cultural monitoring of the capital dredging. Another condition of consent specifies procedures to be observed in the event of an accidental discovery of archaeological material, where the archaeological approval requirements of the Heritage New Zealand Pouhere Taonga Act 2014 would apply;
- > Effects on natural coastal character are considered to be minimal for the reasons given in Section 6.11 (Landscape and Natural Character Effects) and in Sections 10.6.6 and 10.6.7 of this report (regarding the NZCPS and RPS respectively);
- > The proposed Regional consent conditions (**Appendix 5**) provide measures to further address the themes listed above, by seeking to mitigate potential adverse effects on

Māori cultural values and practices. Mitigation associated with the proposed consent conditions is summarised at Section 7 of this report.

Based on the conclusions of the technical assessments about the environmental effects of the Project (as summarised in Sections 6 and 7 of this report) and based on the adoption of and compliance with the proposed consent conditions (**Appendix 5 and 5a**), from a Western scientific perspective, POTL considers the Project responds appropriately to the iwi/hapū management plan directions regarding management of Te Awanui/Tauranga Harbour and facilitating the kaitiaki role of tangata whenua.

10.6.10.2 Bay of Plenty Conservation Management Strategies

Conservation Management Strategies are developed in accordance with section 17D(2) of the Conservation Act 1987. Section 17D(1) of that Act states that:

The purpose of a conservation management strategy is to implement general policies and establish objectives for the integrated management of natural and historic resources, including any species, managed by the Department under [various legislation] for recreation, tourism, and other conservation purposes.

In the Bay of Plenty region, there is a Bay of Plenty Conservation Management Strategy 1997-2007 (“**BOPCMS**”) and a draft Conservation Management Strategy Bay of Plenty 2020 (“**draft CMS**”). As noted in the quotation above from section 17D(1) of the Conservation Act 1987, these strategies are focussed on the management of public conservation lands and waters rather than the environment more generally.

BOPCMS

The BOPCMS identifies a “Tauranga Management Area” which includes Te Awanui/Tauranga Harbour. The BOPCMS notes that the harbour:

- > Includes wetlands of international importance, which are significant habitat for migratory and non-migratory wading birds, and fish spawning areas;
- > Has a long history of Māori occupation, with many historic places, and a need to maintain the highest possible water quality and kaimoana resources.

Section 3.3.3 of the BOPCMS states the DOC’s management priorities for Te Awanui/Tauranga Harbour. These include:

- > DOC’s participation in district and regional council planning processes to secure planning provisions to conserve natural and historic resources and preserve natural character of the harbour environs;



- > Controls on catchment land and water uses and the promotion of good land management;
- > Increasing the area of protected land around the harbour;
- > Promoting alternatives to major harbour works such as causeways; and
- > Evaluating options for marine protected areas in Tauranga Harbour.

Relevant objectives stated in section 4 of the BOPCMS are:

- > Management of lands in ways that conserve representative examples of geothermal features, landforms and landscapes, and soils.
- > The effective conservation of both culturally significant and biologically representative ecosystems.
- > Protection of all marine mammals and their habitats
- > The conservation of threatened species and their habitats.
- > The conservation of historic resources and wāhi tapu.

Draft CMS

Section 3 of the Draft CMS recites national and regional objectives, policies and milestones for public conservation lands and waters. Relevant aspects of this material include:

- > *“The diversity of our natural heritage is maintained and restored”* (objective 3.1.1);
- > *“Our history is brought to life and protected”* (objective 3.2.1); and
- > *“New Zealanders and our visitors are enriched by outdoor experiences”* (objective 3.3.1).

Section 10 of the Draft CMS states regional policy requirements, none of which are directly relevant to the Project.

Assessment

To the extent that the BOPCMS and Draft CMS are relevant (given their focus on public conservation lands and waters), the Project is aligned. The technical assessments demonstrate that environmental effects will be negligible or low, and where management measures are appropriate, are able to be implemented in a feasible and effective manner. Appropriate transparency and recourse to address any unforeseen effects that may arise in the implementation of the Project is assured by the proposed consent conditions. These require the publication of monitoring data on the Project website, direct provision of



monitoring data to the Regional Council and SPDAG, and provide procedures for the review and update of management plans and review of the consent conditions.

10.7 SECTION 104A – CONTROLLED ACTIVITY MATTERS

Section 104A of the RMA states the considerations that apply when determining applications for a controlled activity:

After considering an application for a resource consent for a controlled activity, a consent authority—

- (a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and*
- (b) may impose conditions on the consent under section 108 only for those matters—*
 - (i) over which control is reserved in national environmental standards or other regulations; or*
 - (ii) over which it has reserved its control in its plan or proposed plan.*

The matters over which control is generally reserved are set out in Section 5.1.6 of this report and assessed in Section 10.7.1 below. However, the Project also involves restricted discretionary activities; consequently, consent conditions also include the matters over which discretion is reserved discussed in Section 10.8 below.

With regard to section 104A(b)(i) of the RMA, Sections 10.6.3 and 10.6.4 and of this report confirm that no National Environmental Standards or other regulations apply to this application.

10.7.1 RCEP rule PZ 5 – Maintenance Dredging.

The matters which control is reserved is restricted relevant to rule PZ5 (maintenance dredging) are set out in Section 5.1.6.1 of this report.

Assessment

The effects referenced in this provision are assessed as ranging from negligible to low, by the assessments of effects on marine ecology, marine mammals, hydrodynamics and sedimentation and navigation (see Section 6 of this report). The effects of deposition of the dredged material are already consented, as discussed in Section 3.5 of this report.

10.8 SECTION 104C OF THE RMA – RESTRICTED DISCRETIONARY ACTIVITIES

Section 104C of the RMA sets out the considerations when determining applications for restricted discretionary activities:



- (1) *When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—*
 - (a) *a discretion is restricted in national environmental standards or other regulations:*
 - (b) *it has restricted the exercise of its discretion in its plan or proposed plan.*
- (2) *The consent authority may grant or refuse the application.*
- (3) *However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—*
 - (a) *a discretion is restricted in national environmental standards or other regulations:*
 - (b) *it has restricted the exercise of its discretion in its plan or proposed plan.*

Those matters over which discretion is restricted are set out in Section 5.1.7 this report and are assessed in in the following sub-sections.

With regard to section 104C(3) of the RMA, Sections 10.6.3 and 10.6.4 of this report confirm that no National Environmental Standards or other regulations apply to this application. Consequently, consent conditions are limited to the matters over which discretion is reserved in the RCEP and TCP.

10.8.1 Regional Coastal Environment Plan

10.8.1.1 RCEP rule PZ 8 - Buildings and Structures in the Port Zone

The matters over which discretion is restricted relevant to rule PZ8 (Other buildings and structures in the Port Zone) are set out in Section 5.1.7.1 of this report.

Assessment

The Project's effects are summarised in earlier sections of this report and are assessed in detail in the appended technical assessments. The conclusions are that the Project's effects are low to negligible, and no high or significant adverse effects are identified. This is unsurprising given the nature of the receiving environment and the scope to apply management measures that have historically been successful in managing effects.

POTL's proposed consent conditions are summarised in Section 7 of this report and provided as **Appendix 5 and 5a** to this report.

10.8.1.2 RCEP rule PZ 9 - Cranes

The matters over which discretion is restricted relevant to rule PZ 9 (Cranes exceeding the permitted height limit) are set out in Section 5.1.7 of this report.

Assessment

POTL has procured an Aeronautical Study in conjunction with Airbiz and the Tauranga Airport resulting in a Determination from the Civil Aviation Authority and correspondence from Tauranga Airport (**Appendix 20**) that together confirm both the acceptability of the proposed cranes in terms of impacts on the Airport height restrictions and the safe operation of the Airport. The correspondence from Tauranga Airport negates the need for notification of the Airport of this resource consent application (mentioned in rule PZ 9).

10.8.1.3 RCEP rule PZ 10 - Specified Dredging Activities

The matters over which discretion is restricted relevant to rule PZ 10 (Specified dredging activities) are set out in Section 5.1.7 of this report.

Assessment

The assessments of effects on marine ecology, marine mammals, hydrodynamics and sedimentation and navigation (see Section 6 of this report) conclude that effects on the matters referenced in rule PZ 9 are negligible to low. The effects of deposition of the dredged material are already consented, as discussed in Section 3.5 of this report.

10.8.1.4 RCEP rule PZ 11 - Specified Reclamations

The matters over which discretion is restricted relevant to rule PZ 11 (Specified reclamations) are set out in Section 5.1.7 of this report.

Assessment

The proposed reclamations are considered to be appropriate for the reasons discussed earlier in relation to policy PZ 13 and the effects referenced in this provision.

10.8.2 Tauranga City Plan

10.8.2.1 TCP rule 18A.15 - Cranes

The matters which discretion is restricted relevant to rule 18A.14 (cranes) are set out in Section 5.1.7 of this report.

Assessment

POTL has procured an Aeronautical Study in conjunction with Airbiz and the Tauranga Airport resulting in a Determination from the Civil Aviation Authority and correspondence from Tauranga Airport (**Appendix 20**) that together confirm both the acceptability of the proposed cranes in terms of impacts on the airport height restrictions and the safe operation of the airport.



10.9 SECTION 105 OF THE RMA – MATTERS RELEVANT TO CERTAIN APPLICATIONS

Section 105 of the RMA sets out additional matters that must be considered for certain applications, including those for reclamation activities. Section 105 states:

105 Matters relevant to certain applications

[...]

- (2) *If an application is for a resource consent for a reclamation, the consent authority must, in addition to the matters in section 104(1), consider whether an esplanade reserve or esplanade strip is appropriate and, if so, impose a condition under section 108(2)(g) on the resource consent.*

It would not be appropriate to impose a consent condition requiring the provision of an esplanade reserve or esplanade strip, and the matters of discretion specified in RCEP rule PZ 11 do not invite consideration of esplanade reserves/strips.

The proposed reclamation is associated with the extension of wharves in an operating Port Zone. Access to the area of the reclamations is currently, and would necessarily continue to be, restricted. The restrictions are critical to the security of New Zealand's largest port and the associated landside facilities and infrastructure, including Customs facilities.

10.10 SECTION 107 OF THE RMA - RESTRICTION ON GRANT OF CERTAIN DISCHARGE PERMITS

Section 107(1) of the RMA specifies that a consent authority shall not grant a discharge permit or coastal permit if, after reasonable mixing the discharge is likely to give rise to all or any of the following effects in the receiving waters:

- > The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
- > Any conspicuous change in the colour or visual clarity:
- > Any emission of objectionable odour:
- > The rendering of fresh water unsuitable for consumption by farm animals:
- > Any significant adverse effects on aquatic life.

None of these effects are anticipated to arise as the result of incidental discharges associated with pile driving, the construction of reclamations, or turbidity caused by dredging, both in terms of the drag-head and overflow from the barge.



That these effects are unlikely is supported by the fact that when POTL has undertaken the same activities as proposed by this application in other parts of the Port, these effects have been avoided.

As such the obligation placed on consent authorities by section 107(1) of the RMA does not apply to this Project.

10.11 SECTION 108 OF THE RMA - CONDITIONS OF RESOURCE CONSENTS

This section provides guidance around the imposition of consent conditions. As mentioned in Section 10.6 of this report, as this application is for a restricted discretionary activity, conditions can only be imposed in relation to matters over which discretion is reserved in the relevant plans. The matters of discretion are set out in Section 10.8 of this report.

Section 108 requires that before a consent authority grants a discharge permit or coastal permit with a condition requiring the holder to adopt the best practicable option to prevent or minimise adverse effects, it must be satisfied that the condition is the most efficient and effective means of managing the effects of concern.

10.12 PART 10, RESOURCE MANAGEMENT ACT 1991

Part 10 of the RMA relates to subdivision and reclamations.

Section 245 of the RMA requires that the holder of consent for a reclamation must submit a plan of survey of the reclamation to the consent authority for approval, once the reclamation is completed. The plan of survey must include all boundaries and details of any areas required by a condition of consent to be set aside as an esplanade reserve or created as an esplanade strip. No esplanade reserves or strips are proposed for the reasons stated in Section 10.7 of this report.

10.13 STATUTORY ASSESSMENT CONCLUSION

This assessment has identified that approval of the Project is the most appropriate means of giving effect to the purpose of the FTA.

The Project will satisfy the sustainable management purpose of the RMA as discussed in Section 10.3 of this report. In particular, approval of the Project is expected to contribute to the wellbeing of people and the community at a regional and national level, while avoiding any unacceptable adverse effects, in accordance with section 5 of the RMA.

The Project will avoid any adverse effects on matters of national importance that are subject to protection under section 6 of the RMA. Furthermore, it responds positively to the range of other matters that must be had regard to under section 7 of the RMA.



The Project is aligned with the objectives and policies of the NZCPS, RPS, RCEP and TCP, as well as relevant iwi and hapū management plans (when considered from a planning perspective). Notable points of alignment with the statutory considerations include:

- > The appropriateness of enabling and consolidating significant infrastructure in an existing Port Zone, where the Project can easily integrate with the existing robust port-industrial character of the environs;
- > The functional and locational constraints that preclude any alternative locations or methods to achieve the Project objective;
- > The avoidance of adverse effects on areas of identified cultural, landscape and ecological significance;
- > Extensive consultation with potentially affected parties including a wide range of groups representing tangata whenua interests;
- > The avoidance of any significant adverse effects on the environment;
- > A single point of “moderate” adverse landscape effects, considered acceptable given:
 - In terms of shipping, the temporary nature of the effect and its basis in a permitted activity;
 - In terms of the proposed southerly Sulphur Point cranes, the limited matters over which decision-making discretion is reserved, which do not enable consideration of landscape effects – which aligns with the fact that the Project is specifically anticipated in the Outline Development Plan;
 - The mitigation of other adverse effects to a range that varies from negligible to low, using mitigation measures that have proven successful in previous similar projects; and
 - If approved, the Project’s estimated contributions to the ability of the community – extending to a national level – to provide for its economic well-being into the future.

No substantive points of policy non-compliance have been identified.

Therefore, the Project is considered to be consistent with and supportive of, the relevant objectives of the statutory instruments.



11. STATUTORY ASSESSMENT - WILDLIFE APPROVAL

11.1 INTRODUCTION

Schedule 7, clause 5 of the FTA sets out the matters for decision-makers to consider and assess in relation to applications for wildlife approvals, as below.

- (a) the purpose of this Act; and*
- (b) the purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife that is to be covered by the approval; and*
- (c) information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).*

The purpose of the FTA must be given the most weight in decision making. When taking into account the FTA's purpose (see the assessment in Section 10.3 of this report), decision-makers must consider the extent of an application's regional or national benefits.

This section presents an assessment in support of the application for wildlife approval.

11.2 PURPOSE OF THE WILDLIFE ACT 1953

The Wildlife Act protects wildlife and manages game bird hunting in New Zealand. It specifies which species are classed as wildlife and regulates human interactions with these species, including providing absolute protection for wildlife from hunting and killing.

The Wildlife Act has three levels of protection dependent on the species:

1. Absolutely protected wildlife;
2. Wildlife with varying protection; and
3. Unprotected wildlife.

Tarāpunga/red-billed gull and kororā/blue penguin are “absolutely protected wildlife” under the Wildlife Act. As such they may not be hunted, killed, pursued, disturbed, molested or possessed without authorisation. Relevantly, as detailed in Section 5.2 of this report, section 63(1)(b) of the Wildlife Act make it an offence to possess any protected wildlife without approval. The grant of wildlife approval under the FTA is done by the expert consenting panel, which is empowered to grant an approval authorising the possession of absolutely protected wildlife pursuant to section 53(1) of the Wildlife Act.

To develop the Mount Maunganui reclamation and wharf extensions, the constructed rock wall that has been occupied by tarāpunga/red-billed gulls and kororā/blue penguins will be

removed. The minimum necessary reclamation and extension is proposed and it is an unavoidable element of the Project.

POTL is therefore seeking a wildlife approval under section 42(4)(h) of the FTA to capture and relocate live kororā/ blue penguins, as a precautionary measure in case individual birds do not relocate of their own accord.

To ensure the birds are protected in accordance with the Wildlife Act, the proposed Regional consent conditions (**Appendix 5**) include a requirement to implement the Avifauna Management Plan (**Appendix 2a**). Management measures include habitat surveys, the construction of new, enhanced habitat nearby, timing the dismantling of the rock wall to occur outside of breeding seasons and measures during works to minimise the risk of encountering birds (discussed in Section 6.8 of this report).

The measures in the Avifauna Management Plan (**Appendix 2a**) will enable the relocation of gulls and penguins to new habitats nearby, with minimal disruption and only temporary, less than minor adverse effects. This action will achieve the protective purpose of the Wildlife Act while also facilitating the delivery of nationally and regionally significant infrastructure.

11.3 INFORMATION REQUIREMENTS

Schedule 7, clause 2 of the FTA sets out the information required in applications for wildlife approval. The TEWA (**Appendix 11**) prepared by Wildlands Ltd provides the required information. The information requirements, and where they are addressed, are set out in Table 27 below.

Table 27: Wildlife Act Authority – FTA Information Requirements

| Wildlife Act Authority – Schedule 7, clause 2 of the FTA | |
|---|---|
| Clause Number | Location Information Provided |
| (a) specify the purpose of the proposed activity: | Section 3.0 (p.5) of the TEWA; Sections 1.6.2 and 5.2 of this report; Section 1.0 of the Assessment of Effects on Birds; and Section 2: 1.0 of the Avifauna Management Plan. |
| (b) identify the actions the applicant wishes to carry out involving protected wildlife and | Section 4.0 (p.6) of the TEWA; Sections 1.6.2, 5.2 and 7 of this report; |

Wildlife Act Authority – Schedule 7, clause 2 of the FTA

| | |
|--|---|
| where they will be carried out (whether on or off public conservation land): | <p>Section 1.0 of the Assessment of Effects on Birds; and</p> <p>Section 2: 1.0 of the Avifauna Management Plan.</p> |
| (c) include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953: | <p>Section 5.0 (p.7) of the TEWA; and</p> <p>Section 11.2 of this report.</p> |
| (d) list protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted: | <p>Section 6.0 (p.9) of the TEWA;</p> <p>Section 3.10.2 of this report;</p> <p>Sections 4.2.1, 4.2.2, 4.3.1 and 4.3.2 of the Assessment of Effects on Birds; and</p> <p>Sections 2: 3.0 and 4.0 of the Avifauna Management Plan.</p> |
| (e) outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System): | <p>Section 7.0 (p.9) of the TEWA;</p> <p>Sections 6.8.2 and 6.8.3 of this report;</p> <p>Sections 4.2.3 and 4.3.3 of the Assessment of Effects on Birds; and</p> <p>Sections 2: 3.5, 4.5 and 5.0 of the Avifauna Management Plan.</p> |
| (f) state how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met: | <p>Section 8.0 (p.10) of the TEWA.</p> |
| (g) describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes: | <p>Section 9.0 (p.11) of the TEWA;</p> <p>Section 6.8.4 and 7 of this report; and</p> <p>Sections 2: 2.2, 2.3, 6.0 and 7.0 of the Avifauna Management Plan.</p> |
| (h) state the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available): | <p>Section 10.0 (p.12) of the TEWA;</p> <p>Sections 1.2.1 and 3.10.2 of this report.</p> <p>Section 4.0 of the Assessment of Effects on Birds; and</p> |



Wildlife Act Authority – Schedule 7, clause 2 of the FTA

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|---|---|
| | Section 2: 1.0, 2.2 and 2.3 of the Avifauna Management Plan. |
| (i) state whether authorisation is sought to temporarily hold or relocate wildlife: | <p>Section 11 (p.13) of the TEWA;</p> <p>Sections 1.6.2, 2.3 and 5.2 of this report;</p> <p>Section 4.3.4 of the Assessment of Effects on Birds; and</p> <p>Sections 2: 2.2 and 2.3 of the Avifauna Management Plan.</p> |
| (j) list all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site: | <p>Section 12.0 (p.13) of the TEWA;</p> <p>Sections 6.8.2 and 6.8.3 of this report;</p> <p>Sections 4.2.3 and 4.3.3 of the Assessment of Effects on Birds; and</p> <p>Section 2: 5.0 of the Avifauna Management Plan.</p> |
| (k) where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the Project begins, such as surveying, salvaging, and relocating protected wildlife): | <p>Section 13.0 (p.14) of the TEWA;</p> <p>Sections 6.8.4 and 7 of this report;</p> <p>Section 2: 2.2, 2.3, 6.0 and 7.0 of the Avifauna Management Plan.</p> |
| (l) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953: | <p>Section 14.0 (p.15) of the TEWA;</p> <p>No such convictions have been recorded.</p> |
| (m) <i>state whether the applicant or any of the company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court:</i> | <p>Section 14.0 (p.15) of the TEWA;</p> <p>No such charges are pending.</p> |
| (n) <i>provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:</i> | <p>Section 15.0 (p.16) of the TEWA;</p> <p>Section 8 of this report.</p> |



Wildlife Act Authority – Schedule 7, clause 2 of the FTA

- (o) *provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.* Section 16.0 (p.16) of the TEWA.
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12. CONCLUSION

This application seeks all necessary approvals (resource consents and wildlife approvals) to authorise the development of extensions to the Sulphur Point and Mount Maunganui wharves, reclamations to support the new wharves, dredging of Stella Passage to facilitate vessel access to the wharves, subsequent maintenance dredging, and the development of new cranes atop the Sulphur Point wharf extensions. The applicable RCEP rules also cover the discharges, deposition, disturbance and occupation associated with these activities.

The Project is an orderly and planned outcome, given it is anticipated by the Outline Development Plan at Schedule 9 of the RCEP (Figure 31- Figure 34 of this report). More broadly, the Project is in POTL's area of consented occupation, and is located in and surrounded by the RCEP Port Zone (in the CMA) and the TCP Port Industry Zone (in the terrestrial environment). The zones and Outline Development Plan, and their clear enablement of and provision for the Port and this Project, are long-standing. They were tested through the public plan review process in the past and are beyond dispute.

The Project's receiving environment has, via historic Port developments undertaken in line with the planning instruments, been completely modified from its original state. The receiving environment is defined by a robust, large scale port-industrial character. The Project will reinforce these defining characteristics of this strategic part of the harbour.

The Port environs continue to provide habitat for flora and fauna and supports various benthic ecosystems. The technical assessments conclude that none of the ecological values present are so significant that the potential adverse effects of the Project - which are minimal - will be of concern. The Project's potential effects are of a low order, and no unusual or unique mitigation measures are needed. For the effects that have promoted a recommendation for mitigation, the recommended measures are typical, and many have been used successfully in similar past developments at the Port.

An assessment of the Project against the relevant provisions of the RMA and its subordinate planning instruments reveals no policy compliance issues. The Project comfortably aligns with the objectives and policies of the planning instruments. It clearly meets the sustainable management purpose of the RMA, given its estimated significant benefits and absence of countervailing adverse effects.

The Economic Effects Assessment describes why forgoing the Project would result in compounding opportunity costs, that would likely be significant at the level of the regional and national economies.

On the other hand, approval of the Project would remove constraints on the Port's operations, such that the Port's contributions to the economic wellbeing of the community –

up to and at a national level, given the economic activity that the Port infrastructure enables - would be optimised for the future.

A wildlife approval is sought as a precautionary measure, to enable POTL to relocate penguins to a replacement habitat if the birds do not move of their own accord. A detailed Avifauna Management Plan (**Appendix 2a**) has been prepared, and peer reviewed, and is considered to present the most appropriate means to enable the Project and ongoing Port operations, while retaining the habitat values that make the Port attractive to birds.

Ultimately, the potential adverse effects of the Project on gull and penguin species prompted to move as a result of the Mount Maunganui wharves reclamation are assessed as likely to be temporary and less than minor.

Regarding cultural effects, POTL acknowledge that there is a differing position on the impacts of the Project on cultural values and associations between tangata whenua parties and POTL. However, POTL consider that the proposed mitigation package (including the wider controls and management measures to be provided for by way of the consent conditions) will ensure that any impacts of the Project on cultural effects are managed to an appropriate level. POTL considers that the proposed consent conditions provide for a number of mechanisms which ensure that tangata whenua have an ongoing role in the Project and wider Port operations and are provided the opportunity to fulfil their role as kaitiaki for Te Awanui/ Tauranga Harbour.

The decision-making framework that applies under clause 17 of Schedule 5 (Approvals relating to Resource Management Act 1991) and clause 5 of Schedule 7 (Approvals relating to Wildlife Act 1953) requires that when in an application, decision makers must take into account, and must give the greatest weight to, the purpose of the FTA. The other considerations to be taken into account are the relevant provisions of (in this case) the RMA and Wildlife Act, effects on the environment and on the protected wildlife that is to be covered by the approval.

This report, the supporting technical assessments, and other attached documentation canvasses the scope of the considerations that the FTA requires to be undertaken. The application material demonstrates that the Project:

- > Complies with the policies, and will contribute to achieving the objectives, of the relevant policy statements and plans;
- > Will not cause any significant adverse effects, and will manage other effects to a negligible or low level;
- > Will achieve the purpose of the RMA and the directions of the Wildlife Act; and



- > Is significant at the regional and national levels, such that forgoing the Project would entrench substantial and compounding opportunity costs resulting from continued constraints on import and export activity at the Port.

On this basis, approval of the Project is consistent with, and would give effect to, the purpose of the FTA.

