

APPENDIX 'D' – PORT OF TAURANGA LIMITED RESPONSE TO PARTICIPANTS' COMMENTS ON DRAFT CONDITIONS

The table below sets out POTL's responses to the s 70 participants' comments on the Panel's draft condition set for the Stella Passage Development project.

Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
Ngāi Tukairangi Hapū Trust				
1	Condition 2 of both consents	Amend condition 2 to add reference to participation in SPDAG not precluding hapū specific consultation if and as needed.	POTL does not support the amendment as the SPDAG, and relationship agreement conditions already provide clear pathways for parties to have iwi or hapu specific consultation and to identify matters of particular interest to their group and raise these with POTL in whichever forum the party prefers.	N/A
2	Condition 2 of both consents	Amend condition 2 to provide specific allowance for Ngāi Tukairangi 'reasonable' participation, with opportunity, timeframes, information sharing and resourcing as the hapū requires.	POTL does not support the amendment as the SPDAG, and relationship agreements provide for collective and individual participation. Timeframes are set in the consent conditions. Information sharing is required by consent conditions (e.g. provision of draft/amended management plans for review), resourcing of SPDAG is specified in consent conditions, standalone resourcing for particular hapū projects can be considered through the relationship agreement mechanism.	N/A
3	Condition 14 of the dredging consent	Ngāi Tukairangi is provided the ability to nominate a cultural monitor where dredging or associated activities occur within in or may affect areas in which Ngāi Tukairangi exercises mana whenua and kaitiakitanga	The consent conditions for the existing dredging operations require that the cultural monitor role be filled by representatives from the Tauranga Moana Iwi Customary Fisheries Trust. This this is an existing and established role that the Trust representatives effectively carry out, and it does not preclude the TMICFT using hapū nominated representatives as Ngāi Te Rangī are part of the TMICFT and therefore, could address the issue of involvement in cultural monitoring directly with the TMICFT. On that basis, POTL does not support the amendment.	N/A
4	Condition 15.3 (dredging) and	Expand the condition to state a more detailed scope for the Mātauranga Monitoring Plan.	POTL does not support the amendment. This condition is deliberately framed as providing baseline requirements that can be built on as the SPDAG see	N/A



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
	14.3 (structures)		necessary. There are no hurdles to the SPDAG adopting the recommendations of Ngāi Tukairangi.	
5	Condition 18 (dredging)	Add the following wording: “In addition to the initial funding provided under Condition 18, the consent holder shall make an annual CPI-adjusted contribution to a Te Awanui restoration fund for the term of the consent.”	Funding specifically targeted at restoration of Te Awanui is specified in the consent conditions. POTL does not propose to make further funding, quantified or unquantified, available.	N/A
6	Condition 18.6 (dredging)	After POTL constructs the reclamations, the new land should be vested in hapū for POTL to lease back.	The reclamations will be formed as part of the project and vested in POTL.	N/A
7	Conditions 24.1(b) (dredging); 21.1(b) (structures)	Amend review conditions to include wider reference to cumulative effects.	POTL considers that the drafting of these conditions provides appropriate scope for a review based on effects on cultural values arising from the implementation of these consents.	N/A
8	Condition 3.3(c) of both consents (previous condition 3.4)	The word "Observe" should be amended to "Provide for".	Condition 3.3(c) has been amended (as shown in the track-change conditions attached) to clarify the requirement for POTL’s adherence to any Terms of Reference agreed between POTL and the SPDAG.	Track changes to condition 3.3(c) (previous condition 3.4) are shown in the attached conditions documents.
9	Condition 3.3(j) (structures) (previous)	Amend to provide scope for SPDAG to discuss cultural	No amendment required as these conditions expressly provide for the SPDAG to provide comment on the effects of the project to the Port’s CE and Chair. The conditions include (bold emphasis added): "This includes, but is not limited	N/A



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
	condition 3.4); 3.3(i) (dredging) (previous condition 3.4)	effects-related issues with the Chief Executive and Chair.	to, a discussion around the details of the works authorised by this consent and RM26-0055-DC and proposed future stages subject to other consent processes"	
10	Condition 8.1 (dredging)	Amend condition 8.1 (Dredging consent) to trigger conditions review under condition 24.1(b) if the hapū feedback on a draft Dredge Management Plan that raises effects issues.	Condition 8.1 of the dredging conditions relates to the provision of comments on a draft Dredge Management Plan. If, in the course of preparing review comments (or in any other circumstance) the SPDAG identifies an adverse cultural effect has become evident after the consent was granted, condition 24.1(b) could be engaged in relation to review. In this light, amending condition 8.1 is unnecessary. Furthermore, the conditions enable the SPDAG to make recommendations as it sees fit – which could therefore include recommendations regarding the consent holder’s review and recertification of management plans.	N/A
11	Condition 8.1 (dredging)	Amend to state an express requirement for the consent holder to detail how it took SPDAG feedback into account.	It is inherent that any explanation of why a recommendation has not been adopted would traverse how the consent holder took the advice/recommendations into account.	N/A
12	Condition 24.1 (dredging)	Amend the condition to provide for a review in relation to “all ecological effects.”	This review mechanism is provided by condition 24.2 and most appropriately lies with the Regional Council.	N/A
13	Condition 10 (dredging)	Amend condition 10 to require the hapū to be provide with a summary of mammal sightings.	Condition 4.5 of the dredging consent requires the consent holder to publish all monitoring reports on its website. Therefore, all mammal sighting information will be publicly available. This information is also provided to the SPDAG.	N/A
14	Wildlife Approval conditions	Add a condition to the Wildlife Approval to provide the Trust with the opportunity to be	Participation in handling of protected wildlife is limited to people qualified as per DOC’s requirements. If a Trust member is appropriately qualified in terms of	N/A



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		involved with and in to participate in the management of any kororā.	DOC's requirements under the Wildlife Approval, their involvement can be determined through the SPDAG process. Section 2, Kororā/Blue Penguin And Tarāpunga/Red-Billed Gull Management Plan for the Port Of Tauranga of the AMP, Section 8 expressly provides for Ngāi Tukairangi involvement in any review of the AMP (second dot point) (and the consent conditions also require SPDAG review of amended management plans) and the sixth dot point provides that iwi representatives may assist POTL with monitoring. These measures will be observed in POTL's implementation of that Plan.	
Bay of Plenty Regional Council				
1	Condition 3.3 (previously condition 3.4) of both consents	Amendments to clarify that POTL must initiate all actions- not the SPDAG.	POTL supports the suggested amendments.	Updated condition 3.3 (previous 3.4 in BOPRC version) to reflect BOPRC amendments especially 3.3(b)(i), sixth dot point re: SPDAG's role in any s128 review process.
2	Condition 13.1 (dredging)	Addition of certification for Te Paritaha Monitoring Plan – does not provide a process but requests certification of the plan.	POTL do not support this amendment as the condition specifies 'annual monitoring of Te Paritaha in accordance with the Tauranga Harbour Marine Monitoring Methodologies Plan dated 27 September 2024, ...' The monitoring plan is also an information / knowledge gathering process for iwi / hapu and not an effects response / management response mechanism, so certification is not required.	N/A
3	Condition 12.1(a) (structures)	Recommendation to review the Marine Mammal Management Plan after Stage 1.	The Marine Mammal Management Plan can be reviewed at any time under the current conditions (condition 12.3), including following a request from SPDAG. As such, there is no need to build in any further reviews.	Refer to the tracked changes at condition 12.1 of the Structures consent.



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
			Nonetheless, POTL supports the intent of this amendment by BOPRC, and has amended condition 12.1 of the Structures consent to add sub-clauses requiring the consent holder to procure an independent review of the Plan where further work is required and more than 10 years has passed since the Plan was last reviewed. Where the consultant ecologist identifies improvements, the amended condition 12.1 requires recertification of the Plan by the BOPRC. This approach is similar to that required by condition WA.11 of the wildlife approval in relation to review and recertification of the Avifauna Management Plan.	
4	Condition 13.1 (structures)	Recommendation to review Avifauna Management Plan after Stage 1.	POTL do not support this amendment – the AMP is designed to focus on Stage 2 aspects of the project (works closer to sand pile and Mt Maunganui wharves side penguin relocation) so no need to review after stage 1. Also see response to a similar comment from DOC on this in the WAA conditions.	N/A
Ngāti Ranginui Iwi Society, Nga Hapu O Ngāti Ranginui Settlement Trust, and Ngāti Ranginui Fisheries Trust				
1	Funding conditions	The funding conditions should require the consent holder to meet actual and reasonable costs rather than specifying fixed amounts, or a review condition should enable review of the adequacy of funding specified in the conditions.	The administrative costs have been set out in respect to the functions of the SPDAG, included as Appendix 1 to the conditions, and these have been accepted by the Panel. Other funding conditions are offered on an <i>Augier</i> basis and are not open to review. The sums specified are based on POTL's appraisal of comparable projects and also it acknowledges that the Port is not attempting to address any historical degradation of Te Awanui but focusing on the impacts associated with the Stella Passage development.	N/A
2	Various	A condition set which recognises only the collective cannot deliver hapū-specific indicators and cannot respond to effects that are place-specific.	The SPDAG is designed to be autonomous, able to accommodate the varying interests of its constituent members, and to review and alter its membership at its own initiative. The SPDAG directly controls the indicators and locations to be addressed in the State of the Environment Report and Mātauranga Monitoring Report and has	N/A



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
			scope to provide recommendations to the consent holder on any matters of consent implementation.	
3	Condition 3.1 both consents	The proposed conditions do not recognise or provide for the particular relationship of Ngāi Tamarāwaho with Te Matau. That relationship should also be reflected in the cultural monitoring, management and review mechanisms applying to the Sulphur Point works, including through hapū-specific indicators and direct involvement where those mechanisms concern effects on Te Matau and places of significance to Ngāi Tamarāwaho.	The SPDAG is designed to be autonomous and is able to accommodate the varying interests of its constituent members. As such the SPDAG could provide recommendations to the consent holder regarding the relationship of Ngāi Tamarāwaho with Te Matau. Alternatively, the relationship agreement mechanism is a pathway for one-to-one engagement between the consent holder and Ngāi Tamarāwaho.	N/A
4	Conditions 1.1 – 1.3 both consents	Conditions should provide for ongoing kaitiaki participation at appropriate stages during the works, including opportunities for cultural monitoring and tikanga-led practices identified by the relevant iwi or hapū, whether or not the SPDAG is constituted.	POTL consider that there is a benefit to the collective approach reflected in the SPDAG, rather than an approach which has piecemeal input from tangata whenua parties. However, if the SPDAG is not constituted, the relationship agreement mechanism remains valid. These measures provide collective and individual pathways for participation.	N/A



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
5	Condition 2.1 – 2.3 both consents	Relationship agreement mechanism vague and uncertain, no consequences if agreements are not finalised.	The scope of the relationship agreements is deliberately broad, as parties will have differing priorities which can be formalised through the relationship agreement with POTL. The consent conditions cannot “require” tangata whenua parties to finalise relationship agreements – to do so would impose obligations on those parties. If relationship agreements are not concluded, POTL would continue to engage with tangata whenua in the course of its regular operations and resource management (and other) processes.	N/A
6	Condition 3 (both consents)	Ngāti Ranginui does not support the SPDAG in its present form and asks that POTL work with affected tangata whenua to co-design an appropriate mechanism for ongoing participation.	POTL has previously sought to ascertain what vehicle or method would be appropriate. Unanimity among the parties was not forthcoming and this was reflected in parties’ responses to the Panel’s fifth minute. As such, the SPDAG is deliberately designed for its membership to agree its form, and it is unconstrained in this regard, i.e. could change over time.	N/A
7	Various – SPDAG advice	The conditions should contain an escalation mechanism where the consent holder rejects the SPDAG’s advice.	The provision for a conditions review (s 128 review clause) relating to cultural effects provides an escalation mechanism.	N/A
8	Condition 3.3(h) (structures)	If the SPDAG is not formed, the conditions should provide an alternative mechanism for tangata whenua involvement in the marine mammal observer appointment.	The conditions (condition 12.9) requires POTL to designate appropriately trained marine mammal observers to provide a continuous lookout for marine mammals within the Marine Mammal Observation Zones during pile driving, in accordance with the certified Marine Mammal Management Plan. This requirement is present regardless of SPDAG being formed or not. POTL may designate any ‘appropriately trained’ party to fulfil this role.	N/A
9	Condition 3.4 and Appendix 1	Consent holder to cover the costs of independent expert, technical, legal and	POTL consider that additional funding of technical advisors will typically not be necessary for the SPDAG to discharge its role. POTL understands that interpreting data deriving from the Mātauranga Māori State of the Environment	N/A



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	(both consents)	mātauranga Māori advice to the SPDAG.	report, the Mātauranga Monitoring Plan, and cultural monitoring of the dredging would be inherently within the SPDAG's expertise (the State of the Environment Report and the Monitoring Plan are to be designed and implemented under the direction of the SPDAG). Data/reporting that derives from turbidity monitoring, marine mammal observations, avifauna surveys, bathymetric surveys, and monitoring of Te Paritaha is unlikely to be complex. POTL will make the authors of monitoring reports available to discuss the monitoring results at the SPDAG meetings or otherwise as needed. POTL considers the conditions provide appropriate funding, and that such funding will ensure adequate administrative and/or technical support can be available to the SPDAG, if required.	
10	Conditions 8.3 (dredging); Conditions 10.5, 11.1, 12.3, 13.3 (structures)	Tangata whenua involvement with management plans should occur before certification and extend to development of the relevant cultural content of the plans, with escalation mechanisms to apply where feedback is not adopted by the consent holder.	POTL considers the conditions appropriately provide for SPDAG feedback once a management plan is drafted but before it is certified and considers the requirement to document any departures from SPDAG recommendations to be appropriately transparent. A response to the escalation mechanisms is set out in the POTL Legal Memo. POTL also note that the various management plans supporting the project have been available throughout the application process and POTL has not received any feedback on these document either directly or indirectly through the comments from parties.	
11	Conditions 14.2 to 14.4 (structures); Conditions 15.2 – 15.4 (dredging)	The mātauranga monitoring conditions are inadequately scoped.	The conditions are deliberately framed as providing baseline requirements that can be built on as the SPDAG chooses. There are no hurdles to the SPDAG adopting the recommendations of Ngāti Ranginui on scope.	



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
12	Condition 14.5 (structures); Condition 15.5 (dredging)	Inadequate funding proposed for the Mātauranga Monitoring Plan.	The proposed funding relates to the development and deployment of the plan within the Port Zone, appropriately provides certainty in terms of compliance, and does not impose an unfettered obligation on the consent holder to address a wider scope than beyond the project footprint.	N/A
13	Conditions 15.1 – 15.3 (structures); Conditions 18.1 – 18.3 (dredging)	Inadequate restoration funding	The combined \$2.6 M quantum of these three specific conditions is considered appropriate in the context of the application footprint and was informed by reference to mitigation packages relating to other comparable coastal consents. It would be inappropriate to impose an unfettered funding obligation on a consent holder. It is noted that several other conditions propose additional substantial funding, with an overall package of funding contributions being more than \$6.5M.	N/A
14	Condition 21 (structures); Condition 24 (dredging)	Widen the grounds for a review of the consent conditions to be initiated.	POTL considers that the drafting of these conditions provides appropriate scope for a review, by the Consent Authority in accordance with s 128 of the RMA, based on effects on cultural values identified by the SPDAG or mātauranga monitoring and arising from the implementation of these consents.	N/A
15	Wildlife Approval / avifauna management plan	The Avifauna Management Plan should address the kuaka landing sites at Sulphur Point and the Waikareao Estuary and provide for Ngāi Tamarāwaho (hapū of Ngāti Ranginui) involvement in its preparation rather than an opportunity to comment after it is drafted.	The peer-reviewed Assessment of Potential Effects on Birds and the Avifauna Management Plan both comment in detail on the presence of the kuaka/eastern bar-tailed godwit at Sulphur Point. The assessment concludes at section 3.4.1 that project effects on avifauna, including the kuaka, will be “less than minor and difficult to detect.” The AMP sets out monitoring and management measures and raises the potential for iwi representatives to assist with monitoring by joining POTL staff during monitoring surveys. Additionally, condition 13.4 of the Structures consent requires provision of funding to be deployed by the SPDAG (which Ngāi Tamarāwaho is invited to join) for assessing and developing opportunities to enhance bird habitat in / around Te Awanui.	N/A



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
16	Cultural monitoring of excavations	The conditions do not provide for cultural monitors nominated by the hapū within whose rohe the works occur to be present during excavation, and do not identify who directs the response to a discovery. Ngāti Ranginui asks that both be provided for.	Condition 14 of the dredging consent requires cultural monitoring of dredging. This is an existing role that is already carried out in relation to other dredging consents POTL holds. The Tauranga Moana Iwi Customary Fisheries Trust (TMICFT) already has an established role overseeing cultural monitoring of Port dredging operations. Ngāti Ranginui is a party to TMICFT and, through its participation in the Trust, can determine the appropriate involvement of its hapū in cultural monitoring where required. POTL considers this existing arrangement provides an appropriate mechanism for cultural monitoring and avoids establishing a separate or duplicative process while retaining flexibility for hapū involvement where appropriate. Excavations associated with reclamation and wharf structures will only disturb the wider reclamations formed recently (since the 1950s). Condition 20.1 of the structures consent imposes an accidental discovery protocol requiring consultation with all parties identified in condition 3.1. This list includes Ngāi Tamarāwaho.	N/A
17	New conditions (dredging)	Requests conditions requiring monitoring of tidal flow, erosion, or sediment deposition in the Waikareao Estuary in the vicinity of Motuopae.	The evidence and technical assessments prepared by independent experts does not identify any erosion, sediment or tidal effects generated by the project as affecting the Waikareao Estuary.	N/A
18	New conditions (traffic)	Ngāti Ranginui asks the Panel to consider whether conditions are required to assess, monitor and mitigate Project-related traffic effects on Ngāi Tamarāwaho and the identified	No new roading is proposed and no matters over which discretion is reserved relate to traffic management matters. The use of the public road network by traffic is not an environmental effect engaged by this application.	N/A



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
		places of significance, including through engagement with the hapū on appropriate mitigation.		
Tauranga Moana Iwi Customary Fisheries Trust				
1	Condition 3.3(c) (previously condition 3.4) of both consents	The word "Observe" should be amended to "Provide for".	Condition 3.3(c) has been amended (as shown in the track-change conditions attached) to clarify the requirement for POTL's adherence to any Terms of Reference agreed between POTL and the SPDAG.	Track changes to condition 3.3(c) are shown in the attached conditions documents.
2	Condition 3.3(j) (structures) (previously condition 3.4); 3.3(i) (dredging) (previously condition 3.4)	Amend to provide scope for SPDAG to discuss cultural effects-related issues with the Chief Executive and Chair.	These conditions expressly provide for the SPDAG to provide comment on the effects of the project to the CE and Chair. The conditions include (bold emphasis added): "This includes, but is not limited to, a discussion around the details of the works authorised by this consent and RM26-0055-DC and proposed future stages subject to other consent processes".	N/A
3	Conditions 8.1 and 24.1(b) (dredging)	Widen the grounds for a review of the consent conditions to be initiated.	POTL considers that the drafting of these conditions provides appropriate scope for a review, in accordance with s 128 RMA, based on effects on cultural values identified by the SPDAG or mātauranga monitoring and arising from the implementation of these consents.	N/A
4	Condition 24.1(b) (dredging)	Amend the condition to provide for a review in relation to "all ecological effects."	This review mechanism is provided by condition 24.2, in accordance with s128 of the RMA, and most appropriately lies with the Regional Council.	N/A



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
5	Conditions 8.1 and 8.8 (dredging)	Any explanation by the consent holder for not adopting SPDAG recommendations and/or advice should detail how the consent holder took into account concerns such as unforeseen effects and provide evidence of how the effects identified by SPDAG have been resolved.	It is inherent that any explanation of why a recommendation has not been adopted would traverse how the consent holder took the advice/recommendations into account.	N/A
6	Condition 13 (dredging)	The Tauranga Harbour Marine Monitoring Methodologies Plan dated 27 September 2024 may be outdated and risk sidelining the importance of mātauranga Māori.	The 2024 plan is recent, and the outputs yielded from it may be useful in informing the specific Mātauranga Monitoring Plan required by these consents. The requirement for a dedicated Mātauranga Monitoring Plan to be developed and deployed makes a shortfall unlikely.	N/A
7	Condition 14 (dredging)	Both a cultural and Port induction should occur prior to commencement of cultural monitoring of dredging work. The induction should cover health and safety as well as cultural monitoring requirements.	POTL's proposed amendments include adding a new sub-clause to condition 14 of the Dredging consent, specifying induction requirements.	Refer to the tracked amendments to condition 14.2 of the dredging consent requiring an invitation to be provided by POTL to TMICFT for a cultural induction prior to the commencement of the dredging operations.
8	Condition 15 (dredging) and 14 (structures)	TMICFT does not agree with the proposal to deploy the Te Pa	POTL has identified the lack of agreement regarding Te Pa Patiki and its proposed amendments to the conditions delete reference to it.	Refer to the tracked amendments to conditions 15 of the



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
		Pātiki model in mātauranga monitoring.		dredging consent and 14 of the structures consent.
9	Condition 18.7 (dredging)	The \$500,000 funding proposed for customary fisheries restoration is woefully inadequate.	The marine ecology assessment of the project did not identify any adverse effects on the mataitai reserve or fisheries as arising from the project. No expert ecological evidence has been presented that challenges this assessment. The funding is offered on an <i>Augier</i> basis and intended as a good faith contribution to recognise TMICFT and support its work, notwithstanding the range of non-Port activities that interact with the Harbour environment.	N/A
Pirirākau Tribal Authority Incorporated (PTAI)				
1	Seeking a new condition on the Wildlife Approval	Requests that the SPDAG be notified at least 10 working days prior to capture, handling, or relocation of blue penguins and to provide the opportunity for cultural monitoring.	POTL does not support the proposed amendment as condition 4.1 (structures consent) already requires POTL to provide notification to SPDAG (along with DOC and BOPRC) of its intention to commence works at both Sulphur Point and Mt Maunganui Wharves. POTL does not support the proposed amendment to as under Section 2, Kororā/Blue Penguin And Tarāpunga/Red-Billed Gull Management Plan for the Port Of Tauranga of the AMP, Section 8 identifies the iwi representative may also assist with monitoring by joining the Port of Tauranga staff during their monitoring surveys. These measures will be observed in POTL's implementation of that Plan.	N/A
2	Condition 14 (dredging)	PTAI seeks cultural monitoring to be undertaken by hapū rather than TMIFCT.	The consent conditions for the existing dredging operations require that this cultural monitor role for dredging be filled by representatives from the Tauranga Moana Iwi Customary Fisheries Trust. This this is an existing role that the Trust carries out.	N/A



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
			Ngāti Ranginui is a party to TMICFT and, through its participation in the Trust, can determine the appropriate involvement of its hapū including Pirirākau in cultural monitoring where required. POTL considers this existing arrangement provides an appropriate mechanism for cultural monitoring and avoids establishing a separate or duplicative process while retaining flexibility for hapū involvement where appropriate. On that basis, POTL does not propose to amend this condition.	
3	Seeking new condition in Structures conditions	PTAI seeking a condition requiring all lighting to comply with lighting specifications in Avifauna Mgmt Plan and requiring monitoring and reporting of bird fallout/disorientation events.	POTL do not support this amendment – the AMP already provides for these aspects (lighting and reporting requirements). The AMP is to be approved by the Panel through the FTAA process and POTL must comply with the requirements of the AMP.	N/A
4	Condition 14 (dredging)	Seeking cultural monitoring of both capital and maintenance dredging operations and that conditions provide for hapū cultural monitors (funded by the consent holder) in addition to or in place of those provided through the Tauranga Moana Iwi Customary Fisheries Trust.	Condition 14 already includes provision for a cultural monitor for ‘all dredging activities’. POTL does not support the amendment regarding the need for more than one monitoring as Condition 14.2 sets out the role of the Cultural Monitor and that includes reporting back to the SPDAG. Ngāti Ranginui is a party to TMICFT and, through its participation in the Trust, can determine the appropriate involvement of its hapū including Pirirākau in cultural monitoring where required. POTL considers this existing arrangement provides an appropriate mechanism for cultural monitoring and avoids establishing a separate or duplicative process.	N/A
5	Condition 15 (dredging) and Condition 14 (structures)	Seeking expansion of Mātauranga Monitoring Plan to cover broader receiving environment.	As reflected in the purpose of the MMP, the plan should detail how the cultural health of Te Awanui/Tauranga Harbour, to the extent it overlaps with the Port Zone, is surveyed, monitored, and reported upon to describe the state of the marine environment and kaimoana from a cultural perspective. It is not a whole	Added the following advice note to Condition 15 of the Dredging consent and Condition



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			of Te Awanui approach however, as with the SOE Report, the SPDAG may choose to expand the area covered but there is no obligation on the consent holder to fund or facilitate any such widening.	14 of the Structures consent: Advice Note: <i>The SPDAG may choose to widen the area covered by the plan, but there is no obligation on the consent holder to fund or facilitate any such widening.</i>
6	Condition 4.1 of both consents	PTAI records that any notification outside of SPDAG should be directed to its Senior Environmental Planner (not the Chairperson's personal email) to be effective.	No change required. However, POTL acknowledge that each group should confirm how notification should go to following any invitations issued by POTL as part of these consents.	N/A
7	Condition 2.3 of both consents	Require that if a relationship agreement has not been concluded with the named iwi and hapū within thirteen months, the consent holder must engage an independent mediator (agreed between the parties or, failing agreement, appointed by the Bay of Plenty Regional Council) to facilitate the completion of the agreement within a further six months.	POTL do not support this amendment. While POTL supports efforts to establish and maintain relationship agreements, the conclusion of such agreements necessarily depends on the willingness of all parties to participate and reach agreement. The consent holder cannot compel tangata whenua parties to enter into or finalise a relationship agreement. The proposed amendment would therefore make compliance with the condition dependent on matters outside the consent holder's control. POTL will continue to engage with tangata whenua in good faith through its resource management and broader relationship processes irrespective of whether a formal relationship agreement is ultimately concluded.	N/A



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
8	Condition 3.6 of both consents	Seeks that if SPDAG not formed, consent holder will supply same information and opportunities to comment that would otherwise be provided to SPDAG.	POTL do not support this amendment as the conditions provide a process that the consent holder must follow if the SPDAG is not formed. POTL note that if groups wish to receive information directly, then this is a matter that can be addressed through the relationship agreement conditions.	N/A
9	Condition 4, 16 and 17 (dredging)	Seeks additional notification direct to iwi and hapū (as well as SPDAG) of dredging (Condition 4) and provision of monitoring data (Condition 16 and 17).	POTL do not support this amendment as SPDAG is the mechanism for aspects of the project however, POTL note that if groups wish to receive notification and / or information directly, then this is a matter that can be addressed through the relationship agreement conditions. POTL support the amendment to provide monitoring data directly to the groups and have proposed amendments to condition 21.1 (Dredging) and condition 19.1 (Structures) to provide for this.	Added the following (<u>underlined addition</u>) to condition 21.1 (Dredging) and condition 19.1 (Structures): Unless stated in a specific condition, any data, monitoring information and / or reports required by the conditions of this consent must be provided to the Bay of Plenty Regional Council <u>or the parties listed in condition 3.1</u> within five (5) working days of any written request.
10	Condition 16 (structures)	Seeks that biosecurity funding provided annually (\$30,000 per annum) and additional monitoring for invasive species	POTL do not support this amendment – POTL note that BOPRC run the comprehensive biosecurity monitoring programme for Te Awanui and BOPRC have accepted the condition in its current drafting. POTL recognise that the highest risk time is when new structures are colonised - hence the payment based on development rather than every year.	N/A



Table ref.	Condition	Comment Summary	POTL Response	POTL Proposed Condition Amendment (if any)
		enabled by increased vessel movements.		
11	Seeks a new restoration condition under both consents	Seeking a mahinga kai baseline assessment and restoration pilot to be funded and co designed by POTL within the Pirirākau rohe interface (western inner harbour).	POTL do not support this amendment – While a specific condition is not agreed to POTL recognise that the funding provided to SPDAG for enhancement and abundance projects can be used for such a project.	N/A
12	Condition 21.1 (structures); condition 24.1 (dredging)	Seeks mandatory 5 yearly review including requirement for POTL to report on state of the relationship with each tangata whenua group and the outcomes of the Mātauranga Monitoring Plan.	POTL do not support this amendment – reporting on the MMP provided for in the conditions already and the review condition provides a mechanism for Council as the Consent Authority, to commence a review where new adverse effects present themselves. POTL does not agree that reporting on any relationships with groups should be provided for or a matter that would trigger a review of conditions. POTL notes that this is not raised by any other party as being required either. And POTL note that, in its experience, the groups have expected confidentiality regarding any relationships.	N/A
13	Seeks a new condition in the Structures consent	Seeks prior to stage 2 of works an independent coastal process assessment addressing relationship of proposal to Panepane effects, Mauao and sediment transport.	POTL do not support this amendment. POTL's technical assessments and supporting technical evidence have responded to this specific matter and the Panel has accepted this. This information was also subject to a technical peer review which did not raise any concerns.	N/A
Tauranga City Council (TCC)				
1	Conditions 5 and 6 of land-use consent	Ongoing certification (or other verification) of aviation beacon atop of the cranes.	POTL does not support this amendment. The land-use consent's conditions are designed to reflect POTL's other territorial crane consents which do not contain an ongoing certification requirement. TCC checking compliance is relatively straight forward as the beacon lights will be able to be viewed at night-time.	N/A

