

Appendix 2 - Stella Passage – *Augier* Consent Conditions analysis

Condition reference	Condition subject	<i>Augier</i> discussion	References
Dredging consent			
Dredging 1.3	Requires POTL to invite the SPDAG to meet annually with POTL's Chief Executive Officer and Chair of its Board of Directors, to enable tangata whenua to be part of the strategic planning of the Port of Tauranga.	This proposed mitigation responds to requests from tangata whenua for more interaction with POTL's leadership during the Environment Court process, and is referenced in Ngāi Te Rangi Settlement Trust's CVR. POTL's view is that this condition is not connected to the effects of the development, and as such is volunteered in accordance with the <i>Augier</i> principle.	Ngāi Te Rangi Settlement Trust Cultural Values Report, paragraph 45 and 46.
Dredging 2.1-2.3	POTL to facilitate preparation of relationship agreements with tangata whenua groups.	As set out in the evidence of Dan Kneebone, the condition to provide for relationship agreements was introduced through the Environment Court process and sought to enable the continued discussion of mitigation proposals by tangata whenua that POTL did not consider to be appropriate for inclusion in consent conditions. This is not linked to the effects of the project and is therefore voluntarily included by POTL in accordance with the <i>Augier</i> principle. A note should be added at the end of condition 2 confirming that the consent holder has offered conditions 2.1-2.3 and agrees to be bound by them pursuant to the <i>Augier</i> principle.	Evidence of Dan Kneebone dated 7 May 2026, paragraph 41.
Dredging 12.1	POTL to provide a \$100,000 contribution to the SPDAG for the costs of preparing a Mātauranga Māori State of Environment report.	This is proposed as an <i>Augier</i> condition given that it expresses a funding commitment to a third party. The provision for the preparation of a Mātauranga Māori State of the Environment report itself is intended to address potential cultural effects raised by tangata whenua in conjunction with the absence of mātauranga monitoring, by enabling a baseline to be established in accordance with mātauranga. POTL's position is therefore that the baseline report itself is directly connected to the potential cumulative cultural effects of the development.	Ngā Potiki Cultural Values Assessment, paragraph 181(a). Ngāti Pukenga Cultural Values Assessment, page 8.
Dredging 15.5	POTL to contribute \$25,000 per annum to support the preparation and delivery of a Mātauranga Monitoring Plan by the SPDAG.	This is proposed as an <i>Augier</i> condition given that it expresses a funding commitment to a third party.	Ngāti Pukenga Cultural Values Assessment, page 7.

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		The provision for a Mātauranga Monitoring Plan is intended to address potential cumulative cultural effects raised by tangata whenua which in their view are unable to be monitored without mātauranga monitoring. POTL's position is therefore that the monitoring mechanism itself is not <i>Augier</i> , as it is responds directly to the potential cumulative cultural effects of the project.	Ngāti Ranginui Fisheries Trust Cultural Values Assessment, paragraph 110.
Dredging 18.1	POTL to contribute \$2,000,000 to the SPDAG, for the SPDAG to invest in restoration projects of its choosing.	This is proposed as an <i>Augier</i> condition given that it expresses a funding commitment to a third party. The provision for restoration projects is intended to address cultural effects of the project generally, by enabling tangata whenua to identify restoration projects which they consider should be prioritised. The CVRs provided include many mitigation proposals. POTL sought to place the decision making power as to how funding should be allocated with tangata whenua.	Ngāti Ranginui Fisheries Trust Cultural Values Assessment, page 34. Ngāti Ranginui Iwi Cultural Values Assessment, page 38. Te Kapū o Waitaha Cultural Values Assessment, section 6.
Dredging 18.2	POTL to contribute \$500,000 to the SPDAG for the design and implementation of Pou or other structures.	This is proposed as an <i>Augier</i> condition given that it expresses a funding commitment to a third party. The purpose of this condition is intended to directly address cumulative cultural effects of the development by providing recognition of mana and the significance of the land on which the Port of Tauranga is located.	Ngāi Tamarāwaho Cultural Values Assessment, page 49.
Dredging 18.3	POTL to contribute \$250,000 to the SPDAG for use for a longitudinal assessment of health and wellbeing against agreed marae outcomes for Whareroa Marae.	This is proposed as an <i>Augier</i> condition given that it expresses a funding commitment to a third party and it does not respond directly to an effect of the Project. The evidence of Jenny Simpson confirms that the cumulative air quality effects of the project are negligible to low, and does not require further mitigation in light of the reconfiguration at the Mount Maunganui wharves. The purpose of this condition is a direct response to mitigation measures proposed in the Environment Court by tangata whenua and to the Cultural Impact Assessment of Ngāti Kuku (in particular the reference to conducting annual health assessments for whānau).	Statement of Evidence of Jenny Simpson dated 7 May 2026, paragraph 16. Ngāti Kuku Cultural Impact Assessment, page 22.
Dredging 18.4	POTL to contribute \$100,000 to the SPDAG to fund an independent audit and assessment of discharges against existing consent conditions.	This is proposed as an <i>Augier</i> condition given that it expresses a funding commitment to a third party.	Evidence of Jenny Simpson dated 7 May 2026, paragraph 34.

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		POTL considers that this audit is not necessary based on the evidence of Jenny Simpson, and as such does not consider that this condition is directly related to the effects of the project, and is therefore <i>Augier</i> . However, it is a direct response to mitigation measures proposed in the Environment Court evidence of the planner for the Ngāi Te Rangi parties.	
Dredging 18.5	POTL to contribute a one off payment of \$1,000,000 and \$25,000 per annum to the Whareroa Marae Reservation Trust for Whareroa Marae infrastructure projects.	This is proposed as an <i>Augier</i> condition given that it expresses a funding commitment to a third party. The purpose of this condition is to directly respond to identified cumulative cultural effects of the project. It responds to the Cultural Values Assessment of Ngāti Kuku which records effects such as historic and ongoing harm, ongoing damage to marae infrastructure and alienation from development benefits as adverse effects, and in response to these effects the CVR seeks funding for Whareroa Marae revitalisation, including upgrades to facilities and kohanga reo.	Ngāti Kuku Cultural Values Assessment, page 22.
Dredging 19.1	POTL will establish a \$250,000 education and research scholarship fund for iwi and hapū that have a relationship with Te Awanui.	This is proposed as an <i>Augier</i> condition given that it expresses a funding commitment to a third party. The purpose of this condition is to directly respond to identified cumulative cultural effects of the project on the cultural health of Te Awanui by making provision for research by tangata whenua that promotes a better understanding and improvements to the health of Te Awanui.	Ngāi Tamarāwaho Cultural Values Assessment, section 6. Ngāi Tukairangi Cultural Values Assessment, page 75. Tauranga Moana Iwi Customary Fisheries Trust Cultural Values Assessment, page 33.
Reclamation and structures consent (referred to as Structures)			
Structures 1.2	Requires POTL to invite the SPDAG to carry out a ceremony at the site of the extension before commencing works.	This proposed mitigation responds to cumulative cultural effects on the relationship of tangata whenua with Te Awanui and the exercise of kaitiakitanga, and provides an opportunity to exercise that kaitiakitanga through ceremonies and therefore mitigate the effects of the project.	Section 6, Te Kapu o Waitaha Trust Cultural Values Assessment

Condition reference	Condition subject	Augier discussion	References
		It is therefore not considered to be <i>Augier</i> and the note should be amended accordingly to refer only to condition 1.3 (similar to condition 1.3 of the Dredging consent).	Page 40, Ngāi Tamarāwaho Cultural Values Assessment Paragraph 46, Ngāi Te Rangi Settlement Trust Cultural Values Assessment
Structures 1.3	Annual SPDAG strategic meeting	As set out in relation to Dredging 1.3.	As set out in relation to Dredging 1.3.
Structures 2.1-2.3	POTL to facilitate preparation of relationship agreements with tangata whenua groups.	As set out in Dredging 2.1-2.3.	As set out in relation to Dredging 2.1.
Structures 7.9	Requires POTL to cease pile driving activities for Tangihanga at Whareroa Marae.	This condition is not considered by POTL to be necessary due to the noise assessment undertaken and its conclusions on noise effects. However, it is proposed to respect tikanga regarding tangihanga and is therefore considered to be a condition in accordance with the <i>Augier</i> principle.	Stella Passage Application Appendix 16 Marshall Day Construction Noise Assessment, section 5.1.2.
Structures 13.1–13.4	POTL will undertake all works in accordance with the Avifauna Management Plan and establish a one off fund of \$150,000 to be administered by the SPDAG for the purposes of assessing and developing opportunities to enhance avifauna habitat in and around Te Awanui.	Condition 13.4 is proposed as an <i>Augier</i> condition given that it expresses a funding commitment to a third party. However, the purpose of this fund, and the Avifauna Management Plan (conditions 13.1 – 13.3) are intended to address cumulative cultural effects on avifauna within Te Awanui. The Avifauna Management Plan is also included in the consent conditions to mitigate and manage other potential effects on avifauna associated with the project. It is therefore not considered that conditions 13.1, 13.2 and 13.3 are <i>Augier</i> and the note should be amended accordingly to refer only to condition 13.4	Ngāi Tukairangi Cultural Values Assessment, page 55. Ngāi Tamarawaho Cultural Values Assessment, page 20. POTL consent application, section 6.4.2.6.
Structures 14.5	POTL to contribute \$25,000 per annum to support the preparation and delivery of a Mātauranga Monitoring Plan by the SPDAG.	As set out in relation to Dredging 15.5.	As set out in relation to Dredging 15.5.
Structures 15.1	POTL to contribute \$2,000,000 to the SPDAG, for the SPDAG to invest in restoration projects of its choosing.	As set out in relation to Dredging 18.1.	As set out in relation to Dredging 18.1.
Structures 15.2	POTL to contribute \$500,000 to the SPDAG for the design and implementation of Pou or other structures.	As set out in relation to Dredging 18.2.	As set out in relation to Dredging 18.2.
Structures 15.3	POTL to contribute \$250,000 to the SPDAG for use for a longitudinal assessment of health and wellbeing against agreed marae outcomes for Whareroa Marae.	As set out in relation to Dredging 18.3.	As set out in relation to Dredging 18.3.

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Structures 15.4	POTL to contribute \$100,000 to the SPDAG to fund an independent audit and assessment of discharges against existing consent conditions.	As set out in relation to Dredging 18.4.	As set out in relation to Dredging 18.4.
Structures 15.5	POTL to contribute a one off payment of \$1,000,000 and \$25,000 per annum to the Whareroa Marae Reservation Trust for Whareroa Marae infrastructure projects.	As set out in relation to Dredging 18.5.	As set out in relation to Dredging 18.5.
Structures 15.6	POTL will fund and prepare a land use policy addressing incompatible activities on land owned by POTL and located adjacent to Whareroa Marae.	As set out in relation to Dredging 18.6.	As set out in relation to Dredging 18.6.
Structures 16.1	POTL to provide \$30,000 to BOPRC as a contribution to the BOPRC led biosecurity programme.	Condition 13.4 is proposed as an <i>Augier</i> condition given that it expresses a funding commitment which is not in accordance with s 108 of the RMA (see paragraph 48 of the memorandum of counsel). This condition was introduced during the Environment Court process in response to a matter raised by BOPRC. POTL and BOPRC agreed that it was more practical to provide funding for BOPRC's existing invasive species surveillance monitoring rather than POTL undertaking its own. It was not introduced as cultural mitigation, although it is acknowledged that tangata whenua groups do raise concerns with biosecurity matters.	