

Stella Passage Development: draft Regional Council dredging conditions

*Draft Conditions for Resource Consent No **RM26-0055-DC-XXX-Dredging***

Port of Tauranga Limited

A resource consent:

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

subject to the following conditions:

PURPOSE, LOCATION, SCOPE

A. Purpose of this Resource Consent

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

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

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

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

B. Location

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

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

C. Map Reference

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

D. Quantity

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

Commented [POTL1]: POTL understands this is the resource consent reference number that Bay of Plenty Regional Council (**BOPRC**) has allocated to the coastal permit for dredging. The placeholder cross-references in both BOPRC consents have been updated with tracked changes throughout.

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

RELATIONSHIPS

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

- 1.1 The relationship of iwi and hapū with Te Awanui/Tauranga Harbour is to be recognised and provided for by the consent holder through:

- a) Funding an ongoing Stella Passage Development Advisory Group (“SPDAG”) ([condition 3](#)) for involvement as required in this consent.
- b) Invitations to the SPDAG to engage as follows:
 - i. at least quarterly for the first two (2) years following the commencement of this consent and thereafter twice per year (in accordance with [condition 3.4](#)). These meetings may occur concurrently with SPDAG meetings required by consent [RM26-0055-LC\[structures-consent-no.\]](#).
 - ii. An annual strategic planning meeting with the Port of Tauranga Limited’s Chief Executive Officer and Chair of the Board of Directors ([condition 1.3](#)).
- c) Provision for involvement of the SPDAG under this consent in:
 - i. Preparation of a Mātauranga Monitoring Plan ([condition 15.1](#)) and funding support towards the preparation and delivery of Mātauranga Monitoring ([condition 15.5](#)).
 - ii. Review of the Dredge Management Plan ([condition 8.3](#)).
 - iii. Review of Te Paritaha ongoing monitoring results ([condition 13.2](#)).
- d) Providing an opportunity for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour to carry out ceremonies in accordance with [condition 1.2](#).
- e) A contribution of funds to the SPDAG to prepare a Mātauranga Māori State of the Environment report ([condition 12.1](#)).
- f) A contribution of funds to the SPDAG to provide for ongoing projects that benefit the health of Te Awanui/Tauranga Harbour or that directly benefit iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour ([condition 18.1](#)).
- g) Funding towards education and research scholarships for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour ([condition 19.1](#)).

- 1.2 At least twenty (20) working days prior to commencing the first occurrence of capital dredging operations under this consent, the consent holder must invite the SPDAG to carry out a ceremony at the site of the proposed dredging. The consent holder must confirm by notice in writing to the Chief Executive of the Bay of Plenty Regional Council or delegate that the opportunity to carry out a ceremony has been given and that it has been carried out where deemed appropriate by the SPDAG. The consent holder must confirm by notice in writing to the Chief Executive of the Bay of Plenty Regional Council or delegate that the opportunity to undertake the annual meeting has been provided to the SPDAG.

- 1.3 The consent holder must invite the SPDAG to attend a meeting annually with at least the Port of Tauranga Limited’s Chief Executive Officer and Chair of the Board of Directors. The purpose of the

Commented [POTL2]: POTL adopts this amendment as recommended by BOPRC.

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annual meeting is to involve iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour to be part of the strategic planning of the Port of Tauranga. This includes, but is not limited to, a discussion around the details of the works authorised by this consent and [RM26-0055-LC.\[structures consent no.\]](#) and proposed future stages subject to other consent processes.

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

2. Relationship Agreements Port, Iwi, Hapū and entities

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

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

n) Whareroa Marae; and

~~n) The Tauranga Moana Iwi Customary Fisheries Trust;~~

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

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

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

Advice Note: the consent holder has offered conditions 2.1 - 2.3 and agrees to be bound by them

Commented [POTL3]: POTL supports inclusion of the TMICFT in the list of parties to be invited to form relationship agreements, as per paragraph 14 of TMICFT's comments document.

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pursuant to the Augier principle.

3. Stella Passage Development Advisory Group

3.1 To recognise the importance of Te Awanui/Tauranga Harbour as a taonga and to recognise and provide for the kaitiakitanga of iwi and hapū who have a relationship with Te Awanui/Tauranga Harbour, the consent holder must, within two (2) months of the commencement of this consent or RM26-0055-LC[structures consent no.], whichever is earliest, invite the parties identified in clauses (a) – (n) of this condition below to establish and maintain a “Stella Passage Development Advisory Group” (SPDAG), or alternative name as determined by the parties.

a) Ngā Hapū ō Ngā Moutere Trust;

b) Ngā Pōtiki;

c) Ngāi Tamarāwaho;

d) Ngāi Te Ahi;

e) Ngāi Te Rangī;

f) Ngāi Tukairangi;

g) Ngāti Hē;

h) Ngāti Kuku;

i) Ngāti Pūkenga;

j) Ngāti Ranginui;

k) Ngāti Ruahine;

l) Ngāti Tapu;

m) Waitaha iwi; ~~and~~

n) Whareroa Marae; and

~~o) The Tauranga Moana Iwi Customary Fisheries Trust;~~

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

a) Any representatives who have been nominated; or

b) If no nominations are received, the ~~Tauranga Moana Iwi Customary Fisheries Trust and/or the~~ Ngā Mātarae Charitable Trust.

3.3 The purpose of the SPDAG is to provide an iwi and hapū-led forum that provides on-going advice to the consent holder in the implementation of this consent and RM26-0055-LC[structures consent no.]. Following its establishment, the SPDAG must:

a) Finalise the name of the SPDAG;

b) Provide a means of liaison between iwi and hapū who have a kaitiaki relationship with Te Awanui/Tauranga Harbour and the consent holder through providing a forum for regular

Commented [POTL4]: POTL supports inclusion of the TMICFT in the SPDAG, as per paragraph 14 of TMICFT's comments document. Therefore, this condition is amended to add TMICFT. Consequently, condition 3.2(b) is amended to remove TMICFT from the parties to be invited if the SPDAG is not formed from the parties to be invited under condition 3.1.

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discussion about the implementation of this consent and consent [RM26-0055-LC\[structures consent no.\]](#) This includes providing information back to iwi and hapū on progress on the implementation of the consent and providing feedback to the consent holder on any particular concerns arising from the implementation of the consent that iwi and hapū may raise with the SPDAG;

- c) Be responsible for receiving requests for, and facilitating the provision of, any cultural ceremonies deemed appropriate by iwi and hapū who have a relationship with Te Awanui/Tauranga Harbour;
- d) Attend an annual strategic planning meeting with the Port of Tauranga Limited's Chief Executive Officer and Chair of Board of Directors
- e) Facilitate the development of a Mātauranga Monitoring Plan in accordance with [condition 15](#);
- f) Evaluate the data obtained from any mātauranga monitoring undertaken in accordance with [condition 15](#) insofar as they relate to the cultural values and the effects of the works authorised by this consent and [RM26-0055-LC\[structures consent no.\]](#) on Te Awanui/Tauranga Harbour and advise the consent holder and Bay of Plenty Regional Council of any unforeseen effects arising. In the case of any unforeseen adverse changes to effects on cultural values being identified as a result of the implementation of this consent and [RM26-0055-LC\[structures consent no.\]](#), to advise and make recommendations to the consent holder and the Bay of Plenty Regional Council on the appropriateness of any mitigation, response and/or contingency measures;
- g) Be responsible for receiving requests for, and facilitating the provision of, any cultural ceremonies under [condition 1.1\(d\)](#);
- h) Be a liaison point for the consent holder in the engagement over the Dredge Management Plan required by [condition 8](#); ~~and~~
- i) Administer the funds provided by the consent holder under [condition 18.1](#) to [18.4](#) to be used for the functions of the SPDAG under this consent and for restoration projects; ~~and~~
- ii) ~~Review the SPDAG membership and, if appropriate, invite additional parties to join the SPDAG.~~

3.4 The consent holder must:

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

Advice Note: [condition 1.1\(b\)\(i\)](#) requires the SPDAG to meet at least quarterly for the first two (2) years following the commencement of this consent and thereafter twice per year, unless a different frequency of meetings is agreed between the consent holder and the SPDAG.
- b) Take minutes of the SPDAG meetings, which must be forwarded to members within ten (10) working days of each meeting being held for those members to confirm the minutes are a true and correct record;
- c) Give members at least three (3) weeks' advance prior notice of the date, time and location of SPDAG meetings; and
- d) With the agreement of SPDAG members, publish SPDAG meeting minutes on the consent holder's website in accordance with [condition 4.5\(c\)](#) of this consent.

3.5 Within ten (10) working days of the SPDAG being formed, or any changes being made to its

Commented [POTL5]: POTL proposes this amendment to ensure the SPDAG can include additional parties, if the initial SPDAG membership considers that to be appropriate.

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membership, the consent holder must provide details of its membership to the Bay of Plenty Regional Council.

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

4. Notification

- 4.1 The consent holder must notify (in writing) the following parties of its intention to commence dredging authorised by this consent, no less than twenty (20) working days prior to each dredging operation:

- a) The SPDAG, or if the SPDAG is not established, the ~~Tauranga Moana Iwi Customary Fisheries Trust and/or the~~ Ngā Mātarae Charitable Trust;
- b) Department of Conservation; and
- c) Bay of Plenty Regional Council.

Commented [POTL6]: This amendment reflects those to conditions 3.1(o) and 3.2 above, in relation to the TMICFT's inclusion in the parties to be invited to form the SPDAG.

- 4.2 In addition to the above named parties, the consent holder must provide notice on their website (in accordance with **condition 4.5**) of its intention to commence dredging at least ten (10) working days prior to the commencement of each dredging operation authorised by this consent.

- 4.3 Written notice under **conditions 4.1** and **4.2** must include as a minimum:

- a) The area to be dredged within Stella Passage as authorised by this consent;
- b) The depths proposed to be achieved;
- c) An assessment of dredging volumes and whether those volumes consist of capital or maintenance dredging;
- d) An assessment of the material types expected to be dredged;
- e) The expected duration of the dredging operation;
- f) A plan for the disposal of dredged materials;
- g) Based on the results of the most recent invasive species survey undertaken through biosecurity monitoring by the Bay of Plenty Regional Council, identification of any measures to be implemented as part of the dredging operations to prevent the spread of any invasive species that may have been identified from that survey within the area to be dredged; and
- h) The name and 24-hour contact telephone number for the person with responsibility for supervising the dredging operation.

- 4.4 At least ten (10) working days prior to the start of each dredging operation authorised under this consent (both capital dredging and maintenance dredging), the consent holder must notify (in writing) the Coastguard, Tauranga Bridge Marina, Sulphur Point Marina and the Tauranga Harbourmaster and must post notices in the Bay of Plenty Times and at the Whareroa Boat Ramp, Sulphur Point and Pilot Bay boat ramps advising the general public of the following:

- a) The intention to start dredging;

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- b) The area to be dredged;
- c) A contact number of the consent holder;
- d) The period during which dredging is expected to occur; and
- e) Any restrictions that will apply to navigation during the dredging operations.

4.5 The consent holder must establish and maintain, for the duration of this consent, a dedicated page on its website for the purpose of ensuring all monitoring and reports required under this consent are publicly available. The following documents or reports must be uploaded to the website as soon as practicable but no later than twenty (20) working days after being received or prepared by the consent holder:

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

WORKS

5. Details of Works Authorised

5.1 All dredging operations authorised by this consent must be undertaken in accordance with the resource consent application titled Stella Passage Development Fast-track Approvals Act Substantive Application dated ~~January 2026~~ **April 2025** (except to the extent modified by these conditions), and in accordance with the plan titled 'Proposed Wharf/Reclamations/Dredging Resource Consent Drawings', Drawing No. 320-64-1 Rev A as appended to this consent.

5.2 The dredging operations may be completed in one continuous work programme or by way of a staged programme.

6. Restrictions/Standards

6.1 Where used in the dredging operations, Trailing Suction Hopper dredging must:

- a) be undertaken with no overflow on the flood tide and a maximum of 15 minutes with overflow per load on the ebbing tide.
- b) have a Green Valve, or similar technology, installed to limit suspension of particles in the discharge water.

6.2 The consent holder must ensure that no contaminants, including fuel oils but excluding bed material and sediments, are permitted to enter the harbour waters as a result of the dredging operations authorised by this consent.

6.3 Dredge equipment must be regularly maintained, including lubrication and repair of winches, generators, propulsion components and other potential noise sources to reduce underwater noise. Maintenance records must be provided to the Bay of Plenty Regional Council upon request.

Commented [POTL7]: POTL adopts this amendment as recommended by BOPRC.

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6.4 The consent holder must submit a plan to the Harbourmaster for approval of any proposed changes to the navigational aids as a consequence of the dredging prior to altering the location or form of any existing navigational aids. No changes shall be made to navigational aids without prior agreement from the Harbourmaster.

Commented [POTL8]: POTL adopts this amendment as recommended by BOPRC.

6.5 All vessel operations authorised by this consent must comply with the Marine Mammal Protection Act Regulations 1992.

7. Disposal of Dredged Material

7.1 All dredged material must be disposed of in accordance with the Sulphur Point and Mount Maunganui reclamations authorised by RM26-0055-LC[structures consent no.], or in accordance with consents 65806 and 65807 (or any variation made to them) or any deposition consent which replaces consents 65806 or 65807.

8. Dredge Management Plan

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

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

8.2 The purpose of the Dredge Management Plan is to provide details of the planned dredging operations authorised by this consent, detail the measures that will be implemented to address the potential effects of dredging (particularly in relation to the risk of redistribution of invasive pest species that may be present and the effects of sediment plumes), outline the process for monitoring and the response framework. The final Dredge Management Plan must include, as a minimum:

- a) The area to be dredged;
- b) Identification of any dredging to be undertaken under resource consent 65806 and 65807 in conjunction with the dredging operations authorised by this consent and, if so, how compliance with relevant conditions of those consents will be achieved;
- c) Methodology for undertaking the dredging operations;
- d) Details of water quality monitoring to be undertaken as required by **condition 16, as well as cleaning and maintenance protocols and calibration intervals for the turbidity monitoring instruments**.

Commented [POTL9]: POTL adopts this amendment as recommended by BOPRC.

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- e) In addition to water quality monitoring required by **condition 16**, ongoing background measurements from fixed turbidity monitors and a response framework using turbidity triggers and environmental limits as outlined in the table below:

Port/location	Trigger 1 (NTU)	Trigger 2 (NTU)	Environmental limit (NTU)	Term/Notes
Pilot Bay	15	20	35	6 hr Moving Avg.
No. 10	12	17	25	2 Week Moving Avg.
Butters	12	17	25	2 Week Moving Avg.
Otumoetai	15	20	35	6 hr Moving Avg.
Response framework				
Trigger 1	Investigation into the elevated turbidity. Assess impact of on-going operational dredge.			
Trigger 2	Modification to methodology of operational dredging. Including, but not limited to; • relocation of dredge • changing dredging equipment • operate dredge during certain tides times • modify frequency of dredging operation • a combination of methods			
Environmental limit	Upon reaching the environmental limit dredge operation should cease.			

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

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

- 8.3 Prior to submission of the final Dredge Management Plan to Bay of Plenty Regional Council, the consent holder must invite the SPDAG to provide feedback on the Dredge Management Plan (**condition 8.1**). Any feedback provided must be taken into account by the consent holder. If feedback is not adopted, an explanation must be included in the management plan as to why this is the case. The consent holder must provide at least fifteen (15) working days for the SPDAG to provide feedback before submitting a final version to the Bay of Plenty Regional Council.
- 8.4 For the purposes of **condition 8.1**, “certification” shall mean the process set out in paragraphs (a) to (d), recognising the terms “certify” and “certified” must have the equivalent meanings:
- a) The consent holder submits the Dredge Management Plan to the Bay of Plenty Regional Council, and the Council assesses the documentation submitted. The certification process must be

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confined to confirming that the Dredge Management Plan gives effect to its purpose and complies with the information requirements stated in **condition 8.2**;

- b) Should the Bay of Plenty Regional Council determine that the documentation supplied in accordance with (a) above achieves the requirements of **condition 8.2**, the Council must issue a written confirmation of certification to the consent holder;
- c) If the Bay of Plenty Regional Council's response is that it is not able to certify the Dredge Management Plan, it must provide the consent holder with reasons and recommendations for changes to the plan in writing. The consent holder must consider any reasons and recommendations of the Bay of Plenty Regional Council and resubmit an amended Dredge Management Plan for certification;
- d) The Dredge Management Plan cannot be subject to a third-party approval. The Bay of Plenty Regional Council in deciding whether to certify the plan, however, may also obtain advice from other qualified person(s).

8.5 The process in **condition 8.4** must be repeated until the Bay of Plenty Regional Council is able to provide written confirmation that the requirements of **condition 8.2** have been satisfied.

8.6 Dredging operations authorised under this consent must not be undertaken until the Dredge Management Plan required by **condition 8.1** has been certified by the Bay of Plenty Regional Council.

8.7 The consent holder must comply with the certified Dredge Management Plan at all times.

8.8 At any time during the implementation of this consent, or on advice of the SPDAG, the consent holder may submit an amended version of the Dredge Management Plan to the Bay of Plenty Regional Council for re-certification. Re-certification is subject to the same process as detailed in **condition 8.4**.

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

9. Dredge Master Training

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

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

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

10. Marine Mammal Recording and Reporting

10.1 The consent holder must ensure that:

- a) a marine mammal sightings form is completed by the dredge master for each marine mammal sighting made during dredging operations;
- b) an annual summary report of marine mammal sightings is provided to Bay of Plenty Regional Council and DOC at the end of each calendar year (or within five (5) working days of any written

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request); and

- c) any physical interaction between the dredge vessel(s) and marine mammals must be reported immediately to the Bay of Plenty Regional Council and the Department of Conservation.

11. Waste Management

11.1 The consent holder must ensure that:

- a) all dredge vessels have covered waste bins and debris retrieval nets;
- b) any waste or equipment that enters the water from the dredge vessel(s) is promptly retrieved (if safe to do so) and disposed of onshore; and
- c) marine debris recovered during the process of dredging is retrieved for safe disposal onshore.

MONITORING AND MANAGEMENT PLANS

12. Mātauranga Māori State of the Environment Report

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

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

13. Te Paritaha Ongoing Monitoring

- 13.1 The consent holder must undertake annual monitoring of Te Paritaha in accordance with the Tauranga Harbour Marine Monitoring Methodologies Plan dated 27 September 2024, or any subsequent amended plan, for the duration of this consent.

- 13.2 The consent holder must provide the results of the monitoring to the SPDAG for their review and, if they deem appropriate, inclusion in the Mātauranga Monitoring Plan (**condition 15**).

*Advice Note: For the avoidance of doubt, the monitoring carried out pursuant to **condition 13.1** is of the physical characteristics of the site and is separate to any mātauranga monitoring that may be undertaken in accordance with **condition 15** of this consent).*

14. Cultural Monitoring of Dredge Operations

- 14.1 Subject to **condition 14.2**, the consent holder must provide an opportunity via the Tauranga Moana Iwi Customary Fisheries Trust for a Cultural Monitor to be present during all capital dredging operations authorised by this consent, provided that the Cultural Monitor can comply with all health and safety requirements. The consent holder must provide records of communications inviting cultural monitors to be present for dredging operations to the Bay of Plenty Regional Council if requested.

14.2 The role of the Cultural Monitor includes:

- a) Being present on the dredge (Trailing Suction Hopper Dredge (TSHD) or Back Hoe Dredge) to observe the dredge plume;
- b) Observing that TSHD dredging is undertaken with no overflow on a flood tide (in accordance with **condition 6.1**);
- c) Reporting back to the SPDAG as may be required by the group;

Commented [POTL10]: POTL notes that this document was provided to the Panel from page 155 onwards of Annexure "I" to the Memorandum of Counsel within POTL's response to the Panel's Minute 3.

Commented [POTL11]: POTL adopts this amendment as recommended by BOPRC, and notes the correction of a numbering error in the Advice Note.

Commented [POTL12]: This amendment responds to the comment at paragraph 55.7 of the TMICFT comments document. This amendment reflects the current process for the engagement of cultural monitors in relation to the dredging being done in accordance with POTL's consents RC# 65806 & 65807

Commented [POTL13]: POTL adopts this amendment as recommended by BOPRC.

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- d) Identification of any cultural artifacts that may be uncovered during dredging;
 - e) Checking that deposition of dredged material is occurring in the consented deposition site (in accordance with [condition 7.1](#)); and
 - f) Checking that any rubbish collected in the draghead is taken ashore and disposed of appropriately.
- 14.3 The consent holder must pay the reasonable costs associated with the Cultural Monitor role being undertaken in accordance with [conditions 14.1](#) and [14.2](#).
15. **Mātauranga Monitoring Plan**
- 15.1 Within two (2) months of the SPDAG being established ([condition 3](#)), the consent holder will invite SPDAG to facilitate the preparation of a Mātauranga Monitoring Plan.
- 15.2 The purpose of the Mātauranga Monitoring Plan is to detail how the cultural health of Te Awanui/Tauranga Harbour, to the extent it overlaps with the Port Zone, is surveyed, monitored and reported upon to describe the state of the marine environment and kaimoana from a cultural perspective.
- 15.3 The Mātauranga Monitoring Plan shall include:
- a) A plan and description of the area subject to the Mātauranga Monitoring Plan;
 - b) The cultural indicators to be surveyed and monitored, including appropriate baseline measures to monitor change against;
 - c) Methodologies for the cultural indicators to be surveyed and monitored and how results will be compared with any information provided in any Mātauranga Māori State of the Environment report that is available ([condition 12](#));
 - d) A description of how the cultural indicators monitored will be integrated with the scientific monitoring carried out under this consent pursuant to [conditions 13](#) and [16](#);
 - e) A description of how the monitoring obtained under the Mātauranga Monitoring Plan will be integrated with any wider mātauranga monitoring undertaken for Te Awanui/Tauranga Harbour; and
 - f) Reporting requirements including the extent to which any information obtained is to be included on the consent holder's website in accordance with [condition 4.5](#).
- Advice Note: The requirement of the Mātauranga Monitoring Plan is a joint requirement with consent [RM26-0055-LC\[structures consent no.\]](#). It is recognised that one Mātauranga Monitoring Plan will be provided to address the requirements of both this consent and consent [RM26-0055-LC\[structures consent no.\]](#)*
- 15.4 Upon being provided with the final Mātauranga Monitoring Plan, the consent holder must forward the Mātauranga Monitoring Plan to Bay of Plenty Regional Council for its records. If the consent holder becomes aware of any changes to the Mātauranga Monitoring Plan, the consent holder must notify the Bay of Plenty Regional Council within five (5) days of being made aware of the changes (including a copy of the updated Mātauranga Monitoring Plan if the consent holder has been provided with a copy by the SPDAG).
- 15.5 The consent holder must support the preparation and delivery of the Mātauranga Monitoring Plan to the value of \$25,000 per annum (jointly with consent [RM26-0055-LC\[structures consent no.\]](#) from the time the SPDAG is established ([condition 3](#)) until the expiry of this resource consent.

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

16. Water Quality Monitoring

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

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

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

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

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

16.4 If three consecutive measurements are taken and found to exceed the limits specified in **condition 16.2** above, the consent holder must:

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

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

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- 16.5 The water quality monitoring required by **condition 16.1** must be carried out as follows:
- (a) Turbidity measurements must be undertaken from a depth of 1m below the surface. A series of at least two readings must be taken at each location and averaged to provide the measurement for that site.
 - (b) At the time the samples are taken, the consent holder must note:
 - (i) The time;
 - (ii) The stage of the tide;
 - (iii) The weather conditions; and
 - (iv) The sea conditions, including prevailing wind direction, speed, wave or chop height.
17. **Bathymetric Survey**
- 17.1 The consent holder must carry out bathymetric surveys at the dredge site both immediately prior to the commencement of, and immediately after the completion of each dredging operation authorised by this consent. The bathymetric survey must be sufficient to enable an assessment of the volume of material dredged under each dredging operation. A copy of the survey results must be provided to the Bay of Plenty Regional Council within ten (10) working days of the consent holder receiving the completed post dredge survey reports.

RESTORATION AND MITIGATION

18. **Restoration**
- 18.1 The consent holder must provide a one off payment of \$2,000,000 (when combined with resource consent **RM26-0055-LC[structures consent no.]** for the SPDAG to invest into projects of its choosing. The purpose of the fund is to provide support for administration of the SPDAG and projects that:
- (a) contribute to the restoration of the health of Te Awanui/Tauranga Harbour; or
 - (b) abundance projects; or
 - (c) projects that benefit iwi and hapu that have a relationship with Te Awanui/Tauranga Harbour; or
 - (d) Any other project deemed appropriate by the SPDAG.
- Advice Note: the consent holder has offered **condition 18.1** and agrees to be bound by it pursuant to the Augier principle.*
- 18.2 The consent holder must provide a one off payment of \$500,000 (when combined with resource consent **RM26-0055-LC[structures consent no.]**) for the SPDAG to use for design and implementation of Pou or other structures, for the purpose of recognising the significance of the land on which the Port of Tauranga is located on to the relevant tangata whenua parties.
- Advice Note: the consent holder has offered **condition 18.2** and agrees to be bound by it pursuant to the Augier principle.*
- 18.3 The consent holder must provide a one off payment of \$250,000 (when combined with resource consent **RM26-0055-LC[structures consent no.]**) for the SPDAG to use for a longitudinal assessment of health and wellbeing against agreed marae outcomes for Whareroa Marae.

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

- 18.4 The consent holder must provide a one off payment of \$100,000 (when combined with resource consent ~~RM26-0055-LC[structures consent no.]~~) for the SPDAG to fund an independent audit and assessment of discharges against existing consent conditions and discharges into Te Awanui/Tauranga Harbour.

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

- 18.5 The consent holder must provide a one off payment of \$1,000,000 and, commencing at the first anniversary of the granting of this consent until the expiry of this consent, an annual payment of \$25,000 (when combined with resource consent ~~RM26-0055-LC[structures consent no.]~~, to the Whareroa Marae Reservation Trust towards Whareroa Marae Infrastructure projects, adjusted annually for inflation in accordance with the Consumer Price Index (CPI), from the time works commence pursuant to this consent until the expiry of this consent.

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

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

- 18.6 Within twelve (12) months of the commencement of this consent, the consent holder must fund and prepare a land use policy addressing incompatible activities on land owned by the Port of Tauranga Limited and located adjacent to Whareroa Marae. This policy must be provided to a Whareroa Marae representative upon its completion and to the Bay of Plenty Regional Council upon request.
- 18.7 Unless otherwise specified in a condition, the payments authorised by this consent must be paid within two (2) months of the establishment of the SPDAG (**condition 3**).
- 18.8 If the SPDAG is not established within five (5) years from the commencement of this resource consent ~~(as specified by condition 3.6), then the payment of funds in conditions 18.1 to 18.4 must be held by the consent holder in an interest bearing trust until such time as the SPDAG is established. Should a SPDAG not be established by the time of consent expiry,~~ the consent holder must provide the funds ~~referenced in conditions 18.1 to 18.4 of this resource consent~~ to the Bay of Plenty Regional Council for use towards Council led Te Awanui/ Tauranga Harbour restoration projects.

19. Scholarships

- 19.1 The consent holder must establish a fund of \$250,000 to provide for research and education scholarships for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour for the duration of the consent. The fund is to be administered by the University of Waikato, and details of the scholarships awarded by the University of Waikato must be made available by the consent holder on the project website (**condition 4.5**).

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

- 19.2 The purpose of the scholarships is to provide for education and/or research that promotes a better understanding of Te Awanui/Tauranga Harbour, improvements to the health of Te Awanui/Tauranga Harbour and capacity enhancement within iwi/hapū. Research funded by the scholarships may include (but is not limited to):

Commented [POTL14]: POTL proposes these amendments in response to BOPRC comments about the funds being held until the end of the 35-year consent term.

These amendments mean the funds will be allocated to BOPRC after 5 years, if the SPDAG is not established, rather than being allocated at the end of the consent term (31 years later).

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- (a) Kaimoana species/restoration of kaimoana.
- (b) Ecological corridors within Te Awanui/Tauranga Harbour and how they may be enhanced.
- (c) Mātauranga māori.
- (d) Cultural health indicators.
- (e) Living seawalls/living structures.
- (f) Coastal erosion management.
- (g) Climate change (such as impacts or blue carbon initiatives).

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

RECORDING AND REPORTING

20. Dredging Completion Report

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

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

21. Monitoring data

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

22. Sites of Archaeological, Historic or Cultural Significance

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

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

23. Surrender of Consent

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- 23.1 The consent holder must surrender consent 62920 on commencement of this consent, unless consent 62920 has expired.
24. **Review**
- 24.1 The Bay of Plenty Regional Council may serve notice on the permit holder under section 128(1)(a)(iii), and/or section 128(1)(b) and/or section 128(1)(ba) of the Resource Management Act 1991 of its intention to review the conditions of this resource consent on 1 November of each year.
- The purpose of such a review is to:
- a) give effect to any Act of Parliament, Regulation, National Policy Statement, Regional Policy Statement or relevant Operative Regional Plan, which controls or restricts activities in the coastal marine area in locations where works are authorised by this consent; and/ or;
 - b) address any effects on cultural values that are identified by the SPDAG or parties involved in cultural monitoring undertaken in accordance with **conditions 14.1** and **14.2** and that:
 - i. Have not yet been identified; and
 - ii. Result from the implementation of this resource consent.
- 24.2 The Bay of Plenty Regional Council may, within three (3) months of the completion of any environmental investigation or compliance report carried out by the Bay of Plenty Regional Council that shows there is an adverse effect on the environment as a result of any discharge or other activity authorised by this consent, serve notice on the consent holder under section 128(1)(a)(i) and/or (iii) of the Resource Management Act 1991 of its intention to review the conditions of this consent. The purpose of the review is to assess the need for monitoring or mitigation measures that may be necessary to address an effect that is appropriate to deal with at a later stage.
25. **Term of Consent**
- 25.1 This consent will expire thirty-five (35) years following the granting of this consent.
- 25.2 The resource consent hereby authorised is granted under the Fast-track Approvals Act 2024, and in accordance with that Act has full force and effect for its duration, and according to its terms and conditions, as if it were granted under the Resource Management Act 1991.

Advice Notes:

- 1 *This consent does not authorise the holder to modify or disturb any archaeological or historic sites or deposits within the area affected by this consent. Should any artefacts, bones, shell midden or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from Heritage New Zealand Pouhere Taonga before any further damage, modification or destruction is undertaken.*
- 2 *The Bay of Plenty Regional Council is able to advise of contact details for the relevant iwi authority and hapu that has a recognised relationship with Te Awanui/Tauranga Harbour.*
- 3 *Notification, reporting and submission of plans required by conditions of this consent should be made in writing to the Regulatory Manager, Bay of Plenty Regional Council, PO Box 364, Whakatane email notify@boprc.govt.nz and should include the consent number **RM26-0055-DC[structures consent no-]**.*
- 4 *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
- 5 *The consent holder is advised that non-compliance with consent conditions may result in*

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enforcement action against the consent holder and/or their contractors.

- 6 *Disposal of material dredged under this consent is to occur under resource consent 65806. All conditions of that consent therefore apply to the disposal activity.*