

# Application for a project to be referred to an expert consenting panel

**(Pursuant to Section 20 of the COVID-19 Recovery (Fast-track Consenting) Act 2020)**

*For office use only:*

Project name: Port of Tauranga Stella Passage Wharves & Dredging Project  
Application number: PJ-0000723  
Date received: 09/11/2020

This form must be used by applicants making a request to the responsible Minister(s) for a project to be referred to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

All legislative references relate to the COVID-19 Recovery (Fast-track Consenting) Act 2020 (the Act), unless stated otherwise.

The information requirements for making an application are described in Section 20(3) of the Act. Your application must be made in this approved form and contain all of the required information. If these requirements are not met, the Minister(s) may decline your application due to insufficient information.

Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail, sufficient to inform the Minister's decision on the application, as opposed to the level of detail provided to an expert consenting panel deciding applications for resource consents or notices of requirement for designations.

We recommend you discuss your application and the information requirements with the Ministry for the Environment (the Ministry) before the request is lodged. Please contact the Ministry via email: [fasttrackconsenting@mfe.govt.nz](mailto:fasttrackconsenting@mfe.govt.nz)

The Ministry has also prepared [Fast-track guidance](#) to help applicants prepare applications for projects to be referred.

## Part I: Applicant

### Applicant details

Person or entity making the request: Port of Tauranga Limited

Contact person: Rowan Johnstone

Job title: Engineering Manager

Phone: s 9(2)(a)

Email: s 9(2)(a)

Postal address:

Port of Tauranga Limited

Private Bag 12504

Tauranga Mail Centre

Tauranga 3143

New Zealand

### Address for service (if different from above)

Organisation: Holland Beckett Law

Contact person: Vanessa Hamm, Laura Neale

Job title: Partner, Solicitor

Phone: s 9(2)(a)

Email: s 9(2)(a)

s 9(2)(a)

Email address for service: s 9(2)(a)

Postal address:

Holland Beckett Law

525 Cameron Road

Tauranga 3143

## Part II: Project location

The application: relates wholly to the coastal marine area

If the application relates to the coastal marine area wholly or in part, references to the Minister in this form should be read as the Minister for the Environment and Minister of Conservation.

Site address / location:

A cadastral map and/or aerial imagery to clearly show the project location will help.

We refer to drawing 270-94 showing the location and extent of the project. We have uploaded this as a supporting document.

Legal description(s):

A current copy of the relevant Record(s) of Title will help.

N/A

Registered legal land owner(s):

The common marine and coastal area is not owned by the Crown or any other person, in accordance with Section 11 of the Marine and Coastal Area (Takutai Moana) Act 2011.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur, including a statement of how that affects the applicant's ability to undertake the work that is required for the project:

The proposed wharf structures are located within the area covered by POTL's Coastal Occupation Permit dated 27 July 1994.

As the project will create reclamations between the existing reclamations and the proposed wharf structures, the new reclamations will be required to be surveyed and a new land title issued by LINZ. The same process will be followed as that used for the 2013 Sulphur Point northern wharf extension and reclamation.

## Part III: Project details

### Description

Project name: Port of Tauranga Stella Passage Wharves & Dredging Project

Project summary:

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

The project is for extensions of the Sulphur Point and Mount Maunganui wharves, and the associated dredging, to accommodate growth in cargo and vessel sizes while also catering for projected export and import volume in the future.

Project details:

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Section 20(2)(b) of the Act specifies that the application needs only to provide a general level of detail.

This project's purpose is to maximise the efficient use of the existing infrastructure and footprint of Port of Tauranga, New Zealand's busiest port and an essential part of the national economy.

Its objectives are to enable POTL to more efficiently manage recent growth in cargo volumes and average vessel sizes, while also catering for projected export and import cargo volumes into the future.

The scope of the project comprises a 385m wharf extension and 1.8ha reclamation at Sulphur Point, wharf extensions of 530m north and 388m south of the Tanker Berth, a 2.9ha reclamation on the Mount Maunganui wharves and an associated extension to the dredged shipping channel covering 14.4ha and involving up to 1,800,000m<sup>3</sup> of dredged material, of which 5.9ha and 800,000m<sup>3</sup> is already consented.

The dredged material is suitable to be deposited in the Port's existing consented off-shore deposition site and there is sufficient capacity in the current capital dredging disposal consent to accommodate the proposed disposal works.

POTL is ready to begin the project now, which will result in immediate employment and spending, and result in ongoing growth due to the increase in exports and imports associated with further wharf capacity. The first part of construction will involve a 220m extension to the Sulphur Point Wharves, dredging of an extension to the shipping channel for the new wharf and a bunker barge jetty on the Mount side for a barging operation. The 220m Sulphur Point wharf extension and dredging is estimated in an economic impact report to result in revenue of \$176.24 million across New Zealand and directly create 60 construction jobs at the Port, and 368 jobs across New Zealand. Following completion of this part, the revenue associated with it is estimated to be \$201.41 million annually and create 81 jobs across New Zealand.

The proposed works form part of the comprehensive development plan for the Port of Tauranga and have been signaled for some time in the Bay of Plenty Regional Council Regional Coastal Environment Plan (**Regional Coastal Environmental Plan**). All activities associated with this project are Restricted Discretionary under the Regional Coastal Environmental Plan.

Experts have completed the necessary studies to understand the effects. Effects are all either minor or negligible and consultation continues with local Iwi and Hap? to describe and address cultural effects.

Where applicable, describe the staging of the project, including the nature and timing of the staging:

As set out above, the consent being sought is for the identified development plans of the Port and involves wharf construction activities and dredging. The consent sought is comprehensive to allow all accumulative effects to be assessed.

The most immediate need is for the 220m extension to the south of the existing Sulphur Point wharves, the associated dredging and a bunker barge jetty on the Mount Maunganui wharves. These works can commence immediately upon receiving consent. POTL has already selected a contractor and the design and construction drawings are 90% complete for the 220m Sulphur Point wharf extension. This part of the project is expected to take twenty months to build. The dredging associated with these wharf extensions can be undertaken at the same time as the wharf construction and will take approximately six months.

The other works included in this application relate to further expansion of the wharves on the Mount Maunganui side of the Port to provide an additional tanker berth, bulk berths and associated dredging. Due to the operational requirements of the Port, it is not possible to carry out all parts of the project at once. While these works are crucial to POTL's development plans, they would follow the immediate requirements described above.

As containerised cargo and average vessel length growth continues, the Sulphur Point container terminal will require further extensions beyond the initial 220m extension to the full extent of the 385m being sought.

Also for operational reasons, it is not feasible for POTL to seek consent for parts of the project separately. Obtaining consent for them together will allow for necessary pooling of resources and overall a faster timeline of implementation. Considering the multiple parts of the Port's development together will allow the potential environmental effects (both positive and adverse) of the project to be considered and managed in an integrated way.

### Consents / approvals required

Relevant local authorities: Bay of Plenty Regional Council, Tauranga City Council

Resource consent(s) / designation required:

Discharge permit, Coastal permit

Relevant zoning, overlays and other features:

Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location.

Legal description(s)	Relevant plan	Zone	Overlays	Other features
N/A	Bay of Plenty Regional Coastal Environment Plan	Port Zone	Airport Height Restrictions, Area Occupied by Port of Tauranga	Outline Development Plan Schedule 9

Rule(s) consent is required under and activity status:

Please provide details of all rules consent is required under. Please note that Section 18(3)(a) of the Act details that the project **must not include** an activity that is described as a prohibited activity in the Resource Management Act 1991, regulations made under that Act (including a national environmental standard), or a plan or proposed plan.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Bay of Plenty Regional Coastal Environment Plan	PZ8	Sulphur Point Wharf Southern Extension 385m	Restricted Discretionary	As shown on drawing 270-94

Bay of Plenty Regional Coastal Environment Plan	PZ11	Sulphur Point Southern Extension Reclamation – 1.81 Hectares	Restricted Discretionary	As shown on drawing 270-94
Bay of Plenty Regional Coastal Environment Plan	PZ8	Mount Maunganui Wharf Southern Extension - 530m + 388m	Restricted Discretionary	As shown on drawing 270-94
Bay of Plenty Regional Coastal Environment Plan	PZ11	Mount Maunganui Southern Extension Reclamation – 2.9 Hectares	Restricted Discretionary	As shown on drawing 270-94
Bay of Plenty Regional Coastal Environment Plan	PZ10	Dredging of the Stella Passage Shipping Channel Extension – 14.4 Hectare	Restricted discretionary	As shown on drawing 270-94
Bay of Plenty Regional Coastal Environment Plan	Consented (reference 65806 & 65807)	Removal and Deposition of dredged material – 1,751,000 m3	Restricted Discretionary	As shown on drawing 270-94
Bay of Plenty Regional Coastal Environment Plan	PZ5	Maintenance Dredging of the Channel Extension	Controlled	As shown on drawing 270-94

Resource consent applications already made, or notices of requirement already lodged, on the same or a similar project:

Please provide details of the applications and notices, and any decisions made on them. Schedule 6 clause 28(3) of the COVID-19 Recovery (Fast-track Consenting) Act 2020 details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Act for the same, or substantially the same, activity.

No application has been lodged with the Bay of Plenty Regional Council in association with this project.

POTL currently holds Resource Consent 62920 allowing an extension to the shipping channel by 250m into Stella Passage, covering 5.9 hectares and the removal of 800,000m3 of material. This only allows for a dredged depth of 12.9m that matched POTL's shipping channels prior to POTL receiving consents 65806 and 65807 to deepen the shipping channels to 16.0m, which is not sufficient to meet the requirements of this project.

Resource consent(s) / Designation required for the project by someone other than the applicant, including details on whether these have been obtained:

N/A

Other legal authorisations (other than contractual) required to begin the project (eg, authorities under the Heritage New Zealand Pouhere Taonga Act 2014 or concessions under the Conservation Act 1987), including details on whether these have been obtained:

The Assessment of Effects on Birds obtained by the Port in relation to this project recommends a Management Plan to avoid any effects on blue penguins in the rock wall between berth 11 and 16 of the Mount wharves. This area does not form part of the initial works to be carried out at Sulphur Point or at the southern end of the Mount wharves. POTL will prepare a plan in association with the Department of Conservation, which will be submitted to the BOPRC 20 working days prior to work commencing in the relevant areas. POTL considers that due to adverse effects on blue penguins being avoided, and otherwise mitigated or remedied, it will not be necessary to obtain a permit under the Wildlife Act 1953 for disturbance of blue penguins nests.

## Construction readiness

If the resource consent(s) are granted, and/or notice of requirement is confirmed, detail when you anticipate construction activities will begin, and be completed:

Please provide a high-level timeline outlining key milestones, e.g. detailed design, procurement, funding, site works commencement and completion.

Construction of the Southern Wharf extension can commence immediately upon receiving consent. POTL has already selected a contractor and the design and construction drawings are 90% complete. Obtaining resource consent will provide certainty of a start date and procurement of items with long lead times will begin immediately. The Southern Wharf extension is expected to take twenty months to build.

The dredging required is suited to a small dredge such as the Albatros Trailer Suction Hopper Dredge that is based on the New Zealand coast and which POTL already uses for maintenance dredging. The dredging can be undertaken at the same time as the wharf construction and will take approximately six months, meaning all works for this part of the project will be complete within two years.

The proposed bunker barge jetty is a relatively straight forward structure and design and construction would be completed within six to eight months. There is no dredging required for this piece of work as the vessels that will use the jetty have a relatively shallow draught.

The development at the Mount wharves of an additional tanker and/or bulk berth will take six months to design and eighteen to twenty months to construct. It is anticipated that this part of the development will be carried out following completion of the priority works.

## Part IV: Consultation

### Government ministries and departments

Detail all consultation undertaken with relevant government ministries and departments:

No

### Local authorities

Detail all consultation undertaken with relevant local authorities:

No

### Other persons/parties

Detail all other persons or parties you consider are likely to be affected by the project:

The Harbour Master was identified as a person to consult in terms of effects on harbour users and navigation.

Detail all consultation undertaken with the above persons or parties:

The Harbour Master responded to the project with the following: "In general terms I have no maritime safety concerns with the proposed development".

## Part V: Iwi authorities and Treaty settlements

For help with identifying relevant iwi authorities, you may wish to refer to Te Kāhui Māngai – Directory of Iwi and Māori Organisations.

### Iwi authorities and Treaty settlement entities

Detail all consultation undertaken with Iwi authorities whose area of interest includes the area in which the project will occur:

Iwi authority	Consultation undertaken
Ng?i te Rangi	Aware of plans since 2016 when POTL began sharing development plans through the Nga Mataarae Charitable Trust. POTL circulated the draft application on 3 March 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. Ngai te Rangi are currently working through a process with POTL with the assistance of external resourcing to compile the cultural effects. Concerns raised to date include the effects on Kaimoana, air quality at Whareroa Marae, port operations getting closer to Whareroa Marae and the retention of an access ramp between Matakana Island and the Port.
Ng?ti Ranginui	Aware of plans since 2016 when POTL began sharing development plans through the Nga Mataarae Charitable Trust. POTL circulated the draft application on 3 March 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. Involved with same discussions had with Ngai Te Rangi and supportive of the same approach, no specific feedback received and lately not contactable.
Ng?ti P?kenga	Aware of plans since 2016 when POTL began sharing development plans through the Nga Mataarae Charitable Trust. POTL circulated the draft application on 3 March 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. Ngati Pukenga elected to undertake a Cultural Impact Assessment, yet to be received.
Ng?i Tamarawaho (Hap? of Ng?ti Ranginui)	Aware of plans since 2016 when POTL began sharing development plans through the Nga Mataarae Charitable Trust. POTL circulated the draft application on 3 March 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. Elected to undertake a Cultural Impact Assessment, yet to be received.
Ng?i Tukairangi (Hap? of Ng?i te Rangi)	Attended meeting in February 2019 to discuss proposed development and research to be undertaken. Raised additional concerns around effects on fish and birds. POTL circulated the draft application on 3 March 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. Principal concerns raised included Air and Water quality and expressed a desire to be involved with Cultural Monitoring. Elected to undertake a Cultural Impact Assessment, yet to be received.
Ng?ti Kahu (Hap? of Ng?ti Ranginui)	POTL circulated the draft application on 7 April 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. Expressed interest in sand from dredging being used to build up low lying wetlands in Wairoa river area. Wanted to consider a CIA and would come back with a proposal. No response was received, despite follow up attempts made by POTL.
Ng?ti Kuku (Hap? of Ng?i te Rangi)	Attended meeting in February 2019 to discuss proposed development and research to be undertaken. Raised additional concerns around effects on fish and birds. POTL circulated the draft application on 3 March 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. Expressed interest in performing a CIA and was to produce a proposal but nothing ever received despite follow up attempts made by POTL.
Ng?ti Tapu (Hap? of Ng?i te Rangi)	POTL circulated the draft application on 7 April 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. No specific feedback received despite follow up attempts made by the POTL.
Waitaha Iwi	POTL circulated the draft application on 7 March 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. Following a Hui to go

	through the application Waitaha were to read over the application and come back with any questions prior to sharing with Iwi and responding in early September to whether a CIA was required. Nothing was ever received back despite follow up attempts.
Whareroa Residents (Marae for Ng?i Tukairangi and Ng?ti Kuku of Ng?i te Rangī)	POTL circulated the draft application on 13 March 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. Apart from an initial Hui no further formal consultation occurred despite follow up attempts by POTL. Whareroa Marae has of late sought a withdrawal of all industry in their vicinity. Heavy industry, including Tauranga Airport, has built up around the Marae since the mid-1900s. The Whareroa residents sees POTL's proposal as further development closing in on the Marae. The Whareroa residents are calling on local councils and central government to put a hold on all development and prepare a staged retreat of industry.
Tauranga Moana Iwi Customary Fisheries Trust (Represents Ng?ti Ranginui, Ng?i te Rangī and Ng?ti P?kenga)	Aware of plans since 2016 when POTL began sharing development plans through the Nga Matarae Charitable Trust. POTL circulated the draft application on 3 March 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. The TMICFT have expressed interest in undertaking Cultural Monitoring of the dredging as in recent Capital Dredging. Elected to undertake a Cultural Impact Assessment, yet to be received.
Matakana Island Collective (Represents five Hap? of Ng?i te Rangī)	POTL circulated the draft application on 20 March 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. Originally were comfortable with Iwi taking lead then later felt appropriate they carry out a CIA representing the five hapu on Matakana and Rangiwai Island. No specific feedback received despite follow up attempts.
Ng?ti He	POTL circulated the draft application on 9 March 2020 and has made offers of resources/assistance to help with compiling a response and/or CIAs and opportunities have been provided to engage with POTL. There was some confusion as during one conversation Ngati He thought they had responded. Ngati He were to clarify whether they had responded. No response was received, despite follow up attempts made by POTL.
General	Through early consultation with Tangata Whenua the effects on Birds were identified as an area of concern that sat outside the areas of discretion under the Regional Coastal Environment Plan. POTL engaged an ornithologist to assess the possible effects and included these effects in its draft application. The concerns raised following the draft application being circulated have aligned with the items of discretion under the RCEP with the one exception being the recently-expressed concern of representatives of Whareroa Marae, which is seeking a withdrawal of all industry in their vicinity. Heavy industry, including Tauranga Airport, has built up around Whareroa Marae since the mid-1900s. The marae community sees POTL's proposal as further development closing in on the marae and the risk of increased pollution with Port associated activities. Whareroa Marae is calling on the local councils and central government to put a hold on all development and prepare a staged retreat of industry from the city. This position of the Whareroa Marae is supported by Iwi and Hapu of Tauranga Moana. POTL continues to engage and consult with the Iwi and Hapu identified above to ensure any effects on cultural views can be considered and mitigation or avoidance offered as deemed practicable or appropriate.

Detail all consultation undertaken with Treaty settlement entities whose area of interest includes the area in which the project will occur:

Treaty settlement entity	Consultation undertaken
No details	



## Treaty settlements

Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas:

Section 18(3)(b) of the Act details that the project **must not include** an activity that will occur on land returned under a Treaty settlement where that activity has not been agreed to in writing by the relevant land owner.

There is no existing Treaty settlement entity associated with the location of the proposed development.

## Part VI: Marine and Coastal Area (Takutai Moana) Act 2011

### Customary marine title areas

Customary marine title areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(c) of the Act details that the project **must not include** an activity that will occur in a customary marine title area where that activity has not been agreed to in writing by the holder of the relevant customary marine title order.

N/A

### Protected customary rights areas

Protected customary rights areas under the Marine and Coastal Area (Takutai Moana) Act 2011 that apply to the location of the project:

Section 18(3)(d) of the Act details that the project **must not include** an activity that will occur in a protected customary rights area and have a more than minor adverse effect on the exercise of the protected customary right, where that activity has not been agreed to in writing by the holder of the relevant protected customary rights recognition order.

N/A

## Part VII: Adverse effects

Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions:

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19(e) of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail.

POTL has engaged specialists to assess the potential environmental effects of the proposed works, including any water quality, ecology, hydrodynamics and visual landscape effects. All have assessed the potential adverse effects as either negligible or able to be managed to an acceptable level.

POTL has also been working closely with the three Tauranga Moana Iwi (Ngāti Pūkenga, Ngāti Te Rangi and Ngāti Ranginui) to discuss the proposed works and to mitigate any cultural effects.

Turbidity generated by the process of dredging is the main potential adverse effect associated with the project.

Turbidity has the ability to affect seagrass meadows in close proximity and shell fish beds in the harbour. POTL has extensive experience dealing with turbidity, and will apply its expertise to minimise turbidity in the harbour throughout the dredging associated with this project. POTL successfully performs maintenance dredging every year and in 2015 removed over 6 million cubic metres of material from the shipping channel in its Capital Dredging project. The proposed dredging is removing the same type of material encountered in the past, within the same turbidity limits used in the past.

Other works proposed to be undertaken have the potential for adverse effects on a colony of red billed seagulls and some Blue Penguins. POTL is confident that it can mitigate these potential adverse effects. Through a tiered approach of mitigation measures adverse effects will be minimised.

## Part VIII: National policy statements and national environmental standards

General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard:

As the works are within the coastal marine area, the New Zealand Coastal Policy Statement is relevant. There are no other national policy statements or National Environment Standards of relevance to the application.

The proposal has been assessed by a planner and is considered to be consistent with the relevant objectives and policies of the NZCPS. In particular, the expansion of the Port to provide for development capacity and safe and efficient operation has been recognised in this location as being appropriate in the outline development plan and in the identification of the Port Zone and associated objectives, policies and rules in the Regional Coastal Environment Plan (Policy 10(3) NZCPS).

The Regional Coastal Environment Plan went through the normal Schedule 1 plan making process before becoming operative and consequently the Port Zone and associated policies have been widely consulted on and considered by local community groups, iwi and the public generally.

An avifauna and marine ecological assessment has determined that the development can protect indigenous diversity consistent with Policy 11. Given the development is to occur in a working port environment, the effects on natural character and natural features of the proposal are able to be avoided, remedied or mitigated consistent with Policies 13(b) and 15(b).

## Part IX: Purpose of the Act

Your application must be supported by an explanation how the project will help achieve the purpose of the Act, that is to “urgently promote employment to support New Zealand’s recovery from the economic and social impacts of COVID-19 and to support the certainty of ongoing investment across New Zealand, while continuing to promote the sustainable management of natural and physical resources”.

In considering whether the project will help to achieve the purpose of the Act, the Minister may have regard to the specific matters referred to below, and any other matter that the Minister considers relevant.

Project’s economic benefits and costs for people or industries affected by COVID-19:

The project will have considerable economic benefit to both the Bay of Plenty region and New Zealand economy. In our supporting documentation we have included the Economic Impact Report from Warren Hughes which sets this out in full. This economic impact report only reflects the 220m Sulphur Point southern wharf extension and associated dredging. All the other works which form part of the proposed development will have significant additional benefits in terms of revenue and employment.

To summarise the key takeaways from the report, the revenue associated with just the 220m wharf extension and associated dredging is estimated to be \$176.24m, it will create 368 jobs in total and result in \$60.49m Value Added or Gross Regional Product.

Once the extension is completed the Port will require additional new cranes and straddles to realise the potential of the wharf. This expenditure will be additional to that in the economic impact report. As the increased capacity of the Container Terminal is realised the annual additional employment is expected to be 81 jobs, revenue of \$201.41 and Value Added or Gross Regional Product for the 220m extension.

Project’s effects on the social and cultural wellbeing of current and future generations:

The proposed investment will provide the infrastructure to facilitate the export and import of New Zealand's current and future cargo requirements. The project ensures that the Port develops in an appropriate location, already zoned for its expansion. The project will protect the well-being of current and future generations by supporting employment and economic growth, and aiding in the economic recovery from the Covid-19 pandemic. It does not require any Government funding. It will be a visible symbol of sustainable growth for both the regional and national economies.

Whether the project would be likely to progress faster by using the processes provided by the Act than would otherwise be the case:

The consenting process under this Act is inherently faster than the standard resource consent process, particularly for a project of this scale. The Act allows for a decision to be made within 45 working days of application to the Environmental Protection Authority. When compared to standard resource consent processes for large applications such as this, the time scales are significant. If a hearing is required, the time period could be up to 130 working days. This will slow down the Port's ability to support the economic recovery from Covid-19 by providing immediate employment and spending.

Linked to this is the time and resource associated with processing such a significant application. Bay of Plenty Regional Council will be required to spend a significant amount of time considering the information, obtain its own independent reports where necessary, publicly notify the consent and carry out the necessary consultation associated with this. In contrast, due to the lack of public notification associated with the fast tracked application and the dedicated expert consenting panel, this process is better placed to consider the application quickly.

Covid-19 has offered a rare opportunity for this project to be implemented with minimal operational impacts. Prior to the Covid-19 pandemic, the container terminal at Sulphur Point was reaching capacity, but due to Covid-19 cargo has temporarily reduced. If a normal consenting process is followed and the timeframe for carrying out the works moves back, the speed at which construction can occur is likely to be slower. This would be due to a restricted construction site as a result of the need for greater cargo space at the wharves.

POTL has been ready to lodge the application since February 2020, but is awaiting Cultural Impact Assessments (CIAs) to be progressed by local iwi. POTL has offered financial assistance with preparing the assessment. POTL understands that CIAs are underway but has previously experienced project delays awaiting such reports. POTL believes that the Fast Track process still allows iwi to be involved in the process and provide a CIA, while ensuring that the application is progressed in a timely way to maximise the benefits to the region and New Zealand.

Whether the project may result in a 'public benefit':

Examples of a public benefit as included in Section 19(d) of the Act are included below as prompts only.

Employment/job creation:

POTL favours the use of local advisors, consultants and contractors. The initial proposed 220m Sulphur Point wharf extension is already providing immediate employment for professional consultants. Parallel to the work being carried out for the resource consent application, design work is under way so that construction can begin as soon as consent is granted. When construction begins, there will be employment for the construction contractor, sub-contractors and suppliers.

Given the work programme this will support employment for an extended period of time. Long term, the project will support the ongoing growth of the Port of Tauranga and additional employment of full time permanent staff and contractors operating on the Port.

The dredging will provide direct work for approximately 15 full time persons over a six month period for the initial works, and employment will again be provided when the later aspects of the project require dredging. This does not include the indirect flow on employment associated with fuelling, maintenance, accommodation and supplies.

Sulphur Point wharf construction will take approximately 20 months and including the associated dredging, would involve the equivalent of 60 direct full time jobs. Furthermore, other associated employment will occur through steel fixing, the batching, dispatching and delivery of concrete, pumping of concrete, finishing of concrete, accommodation, cleaners, smoko providers, tradies, hire companies, fuel delivery, mechanics, general suppliers, designers, etc. This is estimated in the Economic Impact report to result in 368 jobs nation wide during construction.

Once the extension to the Sulphur Point and Mount Maunganui wharves is constructed, operation of the additional wharf space will create an additional ten full time roles, growing to 40 as cargo volumes increase. Across New Zealand, the ongoing operation will result in 81 additional roles.

#### Housing supply:

One of the largest cost components of any house being built is the materials. The Port's proposed wharf extensions enables POTL to utilise its existing footprint to allow additional cargo to flow through the Port of Tauranga, including domestic and international cargo destined for the housing construction market.

#### Contributing to well-functioning urban environments:

The project incorporates the foreseeable future development needs of the Port. This allows the full impact of POTL's proposed future developments to be evaluated and taken in to consideration by decision-makers. The projects ensure that the Port's existing footprint is maximised for productivity, avoiding the need to encroach into other urban areas on the harbour margins.

#### Providing infrastructure to improve economic, employment, and environmental outcomes, and increase productivity:

The container terminal at Sulphur Point currently handles 1.25 million Twenty-foot Equivalent Units (TEUs). It is the most productive container terminal in Australasia, achieving a container crane productivity rate of 34.4 moves per hour in 2019, compared to the New Zealand average of 30.1 moves per hour.

The main constraint to increasing container throughput is berth availability (rather than landside capacity). Extending the length of the wharf will remove a bottle neck to the ability to handle more containerised cargo through the existing terminal facilities. At present, due to the mix of ship sizes calling in New Zealand, only two vessels can be berthed at once on most days. With the proposed extension, a third ship will be able to berth. POTL will purchase additional ship to shore cranes (not included in the economic impact report) to complement the new wharf and increase the capacity of the container terminal. Without the wharf extension, the full potential of the land and facilities adjacent to the wharf will not be realised.

The economic benefits to New Zealand's exporters and importers from the ability to cater for larger ships is well documented and include reduced shipping costs and a lower carbon supply chain. The proposed wharf extensions ensures larger vessels can be catered for in a more efficient manner.

The Mount Wharves handles 10.3 million tonnes of bulk cargo, enough to make it New Zealand's largest Port on its own. This includes 5.3 million tonnes of Logs, 3.3 million tonnes of other bulk products and 1.7 million tonnes of product through the Tanker Berth.

The volume of logs exported across the Mount Wharves is far greater than any other Port in New Zealand and at the height of the log trade in June 2019 a record 12 log vessels were at anchor waiting for a berth outside the Port of Tauranga.

The sole Tanker Berth on the Mount side is the Port's only berth that liquid products and cement can be pumped ashore. Berth occupancies of 60% to 70% can be tolerated on continuous quays where numerous berths exist due to the multiple berths increasing the chances of a berth being available. However a single berth, such as the Tanker Berth, with occupancies nearing 50% create a statistically high chance of excessive waiting times.

#### Improving environmental outcomes for coastal or freshwater quality, air quality, or indigenous biodiversity:

The location for the proposed wharf is currently a highly modified environment consisting of a range of hard surfaces including rip rap, loose boulder banks and gravel sediment, with a low diversity compared to the neighbouring wharf's encrusting community structure that is rich with a very high diversity. The installation of new wharf pilings and rock revetments is assessed by ecologists as being a beneficial development because the surfaces are likely to be colonised by native encrusting species.

POTL has assessed the possible effects on birds and has proposed mitigation measures. The sand pile on Port land, used as a depository for previous dredging activities, currently provides habitat for a number of threatened and at risk bird species and this sand pile will remain as part of the development.

#### Minimising waste:

The project is located inside the existing Port Zone and adjacent to POTL-owned land already used for Port operations. Locating the extensions in this highly modified area avoids Port development extending into the harbour margin.

Contributing to New Zealand's efforts to mitigate climate change and transition more quickly to a low-emissions economy (in terms of reducing New Zealand's net emissions of greenhouse gases):

The proposed development ensures that Port of Tauranga will be able to accommodate more than one large container ship at a time. Larger ships offer the most carbon efficient mode of transport. An analysis has been undertaken comparing the carbon footprint for a container being shipped from China to Ports of Auckland and the Port of Tauranga. The graph attached as a supporting document to this application illustrates the comparison. The figures used in the graph are the GHG emissions associated with a 20 ft., 13 tonne dry box (this is the average weight for a 20ft container).

POTL is committed to reducing its carbon footprint, and reduced emissions by 15% in the year ending June 2020. This was achieved through initiatives such as hybrid straddles, the use of biodiesel and waste management strategies. The wharf extensions and associated dredging is a building block in the POTL's overall emission reduction strategy. The extension will allow more cargo to enter the terminal. Additional cargo will be the catalyst for investment in electric stacking cranes to allow intensification of stored containers, reducing the number and travel distances of the straddles operating within the terminal. The installation of electric stacking cranes is dependent on the construction of the wharf extensions.

#### Promoting the protection of historic heritage:

N/A

Strengthening environmental, economic, and social resilience, in terms of managing the risks from natural hazards and the effects of climate change:

In the event of a natural disaster, the Port will be a lifeline utility able to facilitate the initial and ongoing recovery process. The Port is New Zealand's largest and its ability to operate after a natural disaster is paramount to the resilience of the New Zealand economy. Any new wharf structures are designed to the latest seismic standards. An outcome of the proposed wharf extensions will be that, following a natural disaster, there will be more infrastructure ready to be used or easily repairable.

The proposed wharves will be 2.6m above Mean High Water Spring sea level affording plenty of protection from sea level rise.

#### Other public benefit:

Prior to the Covid-19 pandemic, the container terminal at Sulphur Point was reaching capacity. The impact of Covid-19 has resulted in a temporary reduction in cargo handled by the Port, and created a window of opportunity to undertake Stage 1 construction with minimal impact on day-to-day operations at the terminal, which is New Zealand's busiest port. The construction time of approximately 20 months coincides with the time required for the New Zealand economy to recover. Any delay in obtaining a consent risks construction disrupting the expected increase in cargo volumes as the economy starts to grow.

#### Whether there is potential for the project to have significant adverse environmental effects:

The greatest potential for adverse environmental effects is from turbidity associated with the required dredging to extend the shipping channel. The full extent of the Port's proposed development requires approximately 1,800,000 m<sup>3</sup> of material to be dredged. The initial works associated with the Sulphur Point southern extension requires 658,000 m<sup>3</sup> of material to be dredged. Recent dredging campaigns have been successful in limiting the turbidity generated by limiting the amount of overflow from the dredging vessel. The overflow essentially puts dredged material back in suspension through the water column, resulting in turbidity. Utilising turbidity gauges in the harbour, providing real

time and continuous readings, turbidity can be managed to levels well within any limits that would result in adverse effects.

The project is part of the Regional Coastal Environment Plan and is a Restricted Discretionary activity. Experts have completed the necessary studies to understand the effects. Effects are all either minor or negligible and consultation continues with local Iwi and Hapū to describe and mitigate cultural effects.

As stated in Part IX (NZ's efforts to mitigate climate change) larger ships offer a much lower carbon supply chain. The proposed development enables shippers to choose the lowest carbon supply chain utilising modes of transport that emit lower greenhouse gases.

## Part X: Climate change and natural hazards

Description of whether and how the project would be affected by climate change and natural hazards:

The Port's wharves currently have 2.6m of free board above Mean High Water Spring sea level. A report by NIWA, Tauranga Harbour Extreme Sea Level Analysis, March 2017, predicted a worst case scenario of 1.59m sea level rise by the year 2130. This scenario was based on a future of high emissions and the upper-end of the likely range. Even taking the worst case scenario, the Port would have 1m of free board remaining in 110 years' time.

Any new wharf will be designed to the latest international standards. These standards use displacement-based design methods to withstand the effects of earthquakes. The Port has site specific spectral hazard assessments performed to ensure the modelling of the interaction between the wharf and soil is done to best practice. The outcome is a wharf structure that, even after a 500 year earthquake event, will be repairable, with any damage to structural elements designed to occur in accessible locations. The proposed wharf extensions will provide modern infrastructure that benefits the region and national robustness to recover from natural disasters.

## Part XI: Track record

A summary of all compliance and/or enforcement actions taken against the applicant by a local authority under the Resource Management Act 1991, and the outcome of those actions:

Local authority	Compliance/Enforcement Action and Outcome
Bay of Plenty Regional Council	Suspended particulate matter was discharged beyond the Port boundary in excesses of Rule 17(e) of the Regional Air Plan. POTL placed greater operational controls on the cleaning of hoppers occurring on the Port boundary during periods of high wind gusts. In addition an eight metre high dust fence has been installed along this boundary.
Bay of Plenty Regional Council	This abatement notice was cancelled under section 325A of the Resource Management Act, following an appeal by POTL and replaced with a formal warning. The warning was in relation to a stormwater discharge from the Mount Maunganui wharves log storage area. Better housekeeping and a Resource Consent has shown ongoing compliance.
Bay of Plenty Regional Council	A stormwater discharge from Sulphur Point container terminal had suspended solids measured higher than consent limit resulting in an abatement notice. Since this abatement notice POTL has increased site sweeping, more frequently cleaned the settlement pond prior to discharge and installed a turbidity gauge in the pond to automate a valve to ensure discharge from the pond only occurs when consent conditions are met.
Bay of Plenty Regional Council	This abatement notice was cancelled on the 22 March 2018 when the matters that led to the notice being issued relating to the discharge of bulk cargo by a third party operator on POTL land were addressed. Namely the practice of discharging cargo direct to the wharf deck ceasing.

## Part XII: Declaration

I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Rowan Johnstone

23/10/2020

**Signature of person or entity making the request**

**Date**

### Important notes:

- Please note that this application form, including your name and contact details and all supporting documents, submitted to the Minister for the Environment and/or Minister of Conservation and the Ministry for the Environment, will be publicly released. Please clearly highlight any content on this application form and in supporting documents that is commercially or otherwise sensitive in nature, and to which you specifically object to the release.
- Please ensure all sections, where relevant, of the application form are completed as failure to provide the required details may result in your application being declined.
- Further information may be requested at any time before a decision is made on the application.
- Please note that if the Minister for the Environment and/or Minister of Conservation accepts your application for referral to an expert consenting panel, you will then need to lodge a consent application and/or notice of requirement for a designation (or to alter a designation) in the approved form with the Environmental Protection Authority. The application will need to contain the information set out in Schedule 6, clauses 9-13 of the Act.
- Information presented to the Minister for the Environment and/or Minister of Conservation and shared with other Ministers, local authorities and the Environmental Protection Authority under the Act (including officials at government departments and agencies) is subject to disclosure under the Official Information Act 1982 (OIA) or the Local Government Official Information and Meetings Act 1987 (LGOIMA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA and LGOIMA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA and LGOIMA is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

### Checklist

Where relevant to your application, please provide a copy of the following information.

No	Correspondence from the registered legal land owner(s)
No	Correspondence from persons or parties you consider are likely to be affected by the project
No	Written agreement from the relevant landowner where the project includes an activity that will occur on land returned under a Treaty settlement.

No	Written agreement from the holder of the relevant customary marine title order where the project includes an activity that will occur in a customary marine title area.
No	Written agreement from the holder of the relevant protected customary marine rights recognition order where the project includes an activity that will occur in a protected customary rights area.

Released under the provision of  
the Official Information Act 1982