

Released under the provision of
the Official Information Act 1982

Released under the provision of
the Official Information Act 1982

Released under the provision of
the Official Information Act 1982

Released under the provision of
the Official Information Act 1982

Released under the provision of
the Official Information Act 1982

Released under the provision of
the Official Information Act 1982

Released under the provision of
the Official Information Act 1982

Released under the provision of
the Official Information Act 1982

Released under the provision of
the Official Information Act 1982

Released under the provision of
the Official Information Act 1982

Released under the provision of
the Official Information Act 1982

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

Local authority providing comment	Tauranga City Council
Contact person	Daniel Smith Manager, Environmental Planning s 9(2)(a)
Project name	Port of Tauranga Stella Passage Wharves and Dredging Project
General comment – potential benefits	N/A
General comment – significant issues	Please refer to attached letter dated 15 January 2021
Is Fast-track appropriate?	Tauranga City Council has no objection to a fast-track consent process
Environmental compliance history	No compliance history of direct relevance to this proposal
Reports and assessments normally required	Tauranga City Council is not a consent authority for this proposal, therefore, cannot recommend any reports or assessments.
Iwi and iwi authorities	<p>Ngai Te Rangī Iwi – contact person is Pia Bennett – s 9(2)(a)</p> <p>Ngai Tukairangi hapu – contact person is Ms Ngawiki Dickson – s 9(2)(a)</p> <p>Ngati Kuku hapu – contact person is Awhina Ngatuere s 9(2)(a)</p> <p>Ngati Tapu hapu – contact person is Mr Puhirake Ihaka – s 9(2)(a)</p> <p>Te Runanga o Ngati Ranginui Iwi – contact person is Des Heke Kaiawha – s 9(2)(a)</p> <p>Ngai Tamarawaho hapu – contact person is Peri Kohu s 9(2)(a) and Te Mana o Ngai Tamarawaho s 9(2)(a)</p> <p>Ngati Pukenga Iwi – Rehua Smallman – s 9(2)(a)</p> <p>Whareroa Marae – contact person is Joel Ngatuere – s 9(2)(a)</p>
Relationship agreements under the RMA	No relationship agreements, but most of the abovementioned groups have iwi management plans. The most relevant management plan is the Joint Tauranga

	Moana Iwi Management Plan https://www.boprc.govt.nz/media/554748/tauranga-moana-imp-2016_final.pdf
Insert responses to other specific requests in the Minister's letter (if applicable)	N/A – answered above.
Other considerations	No other considerations

Released under the provision of
the Official Information Act 1982



Tauranga City

13 January 2021

Ms Moncrieff
Acting Director, Natural and Built Systems
Ministry for Environment

By email: fasttrackconsenting@mfe.govt.nz

Dear Ms Moncrieff

Covid-19 Recovery (Fast-Track Consenting) Act 2020 – Port of Tauranga Stella Passage Wharves and Dredging Proposal - Comments pursuant to Section 21(4)

Thank you for providing Tauranga City Council (TCC) with the opportunity to provide comments on the above-mentioned proposal prior to the Minister deciding if it is referred to an expert consent panel. TCC notes that because the proposal is located entirely within the Coastal Marine Area, it does not require resource consents under the Tauranga City Plan. TCC further notes that the proposal is for planned Port works that are anticipated within the Bay of Plenty Regional Coastal Environment Plan. Notwithstanding this, TCC wish to raise several matters as set out below:

1. Impacts on the local transport network

The permanent increase in large truck movements to service an expansion of the Port (particularly an expanded container terminal) will have a considerable impact on the transport network that supports access to the Port of Tauranga and serves the wider City. The network impacted by the proposed development includes both State Highway 2 and local roads under the control of Waka Kotahi and TCC respectively. Key parts of the immediate network that will be impacted by the proposed development include Totara Street, Hewletts Road, Hull Road, Maunganui Road, and the Harbour bridge and Takitimu Drive. These parts of the network already experience significant congestion particularly at peak travel times during the day. The proposed development is expected to exacerbate and worsen the current congestion. If not already, Waka Kotahi should also be consulted on the proposed development.

Transport issues on the network surrounding the Port of Tauranga have been identified in recent planning processes like the Urban Form and Transport Initiative (UFTI) and the Western Bay of Plenty Transport System Plan (TSP). Both identify that the existing network is affected by congestion and this will increase over time as the agreed sub-regional land use pattern is delivered and broader growth across the Upper North Island occurs.

The proposal will exacerbate these congestion issues, and TCC requests that any detailed application includes a transport impact assessment for the purpose of understanding the nature and magnitude of impact the proposal will have on the surrounding transport network and supporting future network planning.

2. Three waters

Stormwater

TCC holds a comprehensive stormwater consent (CSC) from the Bay of Plenty Regional Council (BOPRC) for discharge from the Mount Maunganui Industrial area to Te Awanui (the harbour) via the public network. This consent includes multiple conditions relating to stormwater management and stormwater quality. The subject site is within this catchment, and the Port of Tauranga holds its own separate discharge consent from BOPRC for discharges to both the

consented TCC comprehensive network and directly to the harbour via the private port owned network. In accordance with the CSC conditions, TCC monitors the discharges from these outlets as part of its stormwater monitoring plan.

TCC also has significant stormwater infrastructure within the subject site that will be affected by the reclamation and wharf extension of the Mount Maunganui wharves. This includes seven stormwater outlets that will require extending through the reclaimed area and new outlets constructed (Figure 1 of Appendix A to this letter). Two of which are "sealed" lines required for future pumping of stormwater. These are likely to be pressurised lines and so any extension work will need to account for this. In addition, TCC has 2 further stormwater lines to the southern end of the Sulphur Point reclamation at Reid Place that will require extending through the reclaimed area (Figure 2 of Appendix A).

Based on the above, TCC requests that any detailed application includes:

- Any detailed description of how the development (including associated construction works) will not compromise safe access to stormwater monitoring points; and
- A detailed design for any TCC owned stormwater lines that are required to be modified or extended to accommodate the development.

TCC also notes that there are two private stormwater outlets (Figure 2 – red) to the harbour at the southern end of the proposed mount Maunganui wharves reclamation. These outlets discharge stormwater from SH2 and the Ballance Site. Any detailed application should also demonstrate that Waka Kotahi and Balance have been consulted in relation to this matter.

Wastewater

TCC has wastewater infrastructure in the southern area of the proposed works and manages a wastewater pump station (PS202) owned by the Port of Tauranga. Any detailed application provided should recognise this pump station and demonstrate that precautions are in place to avoid damage during construction.

3. Planned Tauranga Marine Precinct

TCC is the owner and manager of the Vessel Works Marine Precinct which is located immediately to the west of the proposed wharf expansion on the Sulphur Point side of the harbour. TCC is concerned with any potential effect the proposal (particularly the dredging) will have on maritime navigation due to changes in harbour flow/velocity. In addition, whether the proposed dredging will increase sedimentation as a result of changes in velocity in the vicinity of the Marine Precinct (and whether this increases the need for the Marine Precinct to further dredge material to maintain access to the facility). The referral application makes some comment around this, including to a report on the matter.¹ TCC requests that any detailed application includes an assessment, which addresses the impact of the proposal on navigation to and from the Marine Precinct and any effects on increased sedimentation in the vicinity of the Precinct.

This assessment could be provided as part of a wider maritime navigation report provided to BOPRC, or as a standalone report. Either way, TCC would appreciate the opportunity to engage a suitability qualified expert to peer review the assessment, if considered necessary.

4. Cultural effects

The proposal is likely to have a significant impact on the cultural values of relevant iwi, hapu and marae. TCC considers the genuine and meaningful involvement of relevant iwi and hapu in any consent process to be of utmost importance.

5. Public interest in Port activities

The Minister is advised that Port activities are the subject of increasing public interest in Mount Maunganui with action groups now being established in the community. These groups are engaged in RMA processes and have an expectation to participate.

¹ Page 128 of the referral application, including reference to the Environmental Research Institute Report.

In summary, TCC has no preference regarding the consenting pathway for the Port of Tauranga dredging and wharf expansion proposal, but requests that if the proposal progresses to an expert consenting panel, the abovementioned issues are addressed by the applicant in the more fulsome application that will be provided at the next stage.

Yours sincerely



Marty Grenfell
Chief Executive

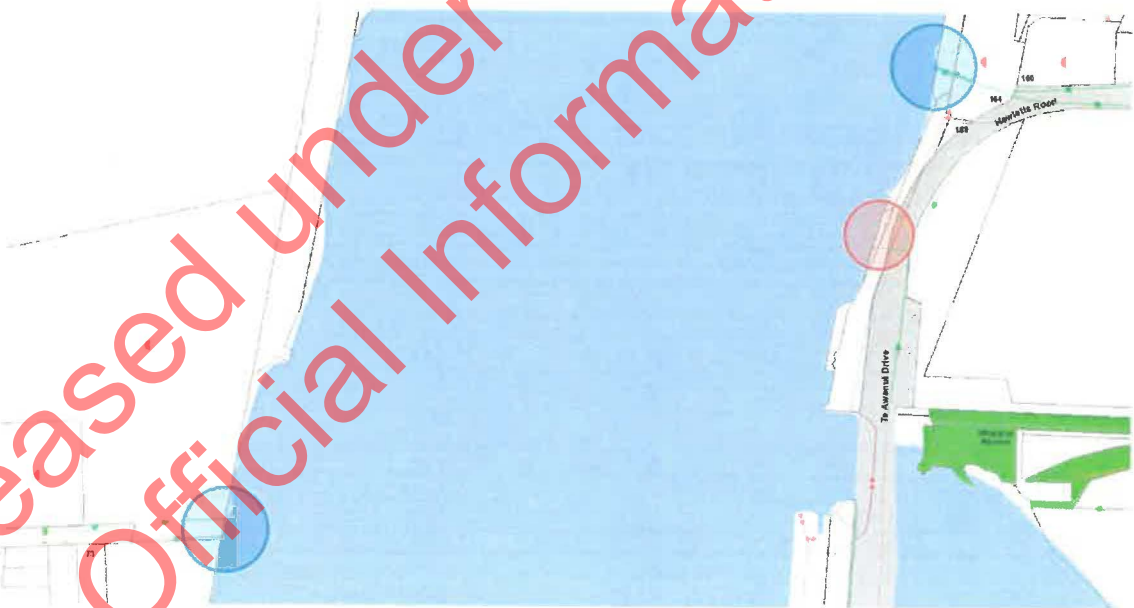
Enclosures – Appendix A – Various figures showing location of TCC stormwater infrastructure

Released under the provision of
the Official Information Act 1982

Figure 1: TCC Stormwater Infrastructure within the subject site (Mount Maunganui Reclamation & Wharf extension).



Figure 2: TCC & Private Stormwater Infrastructure within subject site (Sulphur Point & Mount Maunganui Reclamation & Wharf extension).



Released under the provision of the Official Information Act 1982

Comments on applications for referral under the COVID-19 Recovery (Fast-track Consenting) Act 2020

This form is for local authorities to provide comments to the Minister for the Environment on an application to refer a project to an expert consenting panel under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Local authority providing comment	Bay of Plenty Regional Council
Contact person (if follow-up is required)	Reuben Fraser
	Consents Manager
	s 9(2)(a)

Comment form

Please use the table below to comment on the application.

Project name	Port of Tauranga Stella Passage Wharves & Dredging Project
General comment – potential benefits	The project is likely to provide economic and social benefits to the community throughout the construction of the project. Further, the project will bring about the long-term provision for increased capacity of port facilities.
General comment – significant issues	<p>We have not identified any significant issues that would make the application inappropriate for a fast track consent process. The proposal is largely consistent with the future development programme that is incorporated into the Bay of Plenty Regional Coastal Environment Plan.</p> <p>However, it is considered appropriate that the application be supported by further detailed information, as follows.</p> <p>Sediment Transport and Hydrodynamic Assessments</p> <p>The Application does not contain a detailed assessment of the effects on sediment transport or changes to water speed and hydrodynamic functions resulting from the proposal. In particular, we note that the proposed dredging operation is adjacent to the Tauranga Bridge Marina and Tauranga Harbour Bridge structure. It is unclear if the proposed deepening of the channel and operation of the extended wharf will result in effects on the functioning of the Marina and bridge structure or the movement of sediment in this location.</p> <p>Appropriate Consideration of Ecological Effects</p> <p>The application identifies that there are potential effects on the habitat of godwits, red billed gulls and blue penguins (which are identified as internationally / nationally significant populations). Whilst mitigation measures are proposed, it is unclear what of the various mitigation options identified are to be implemented if the proposal was to proceed. Similarly, the application does not currently provide detailed information on the potential effects on marine species as a result of the dredging and construction activities.</p>

	<p>Consequently, the scale of potential effects and appropriateness of the proposal when considered under the provisions of the New Zealand Coastal Policy Statement and the Regional Planning documents are uncertain at this stage. It is considered that further information to address these matters is required to enable a decision to be made.</p> <p>Public Interest in Port Activities</p> <p>It is noted that public interest in the activities undertaken at the Port of Tauranga and the adjacent Mount Maunganui industrial area have increased in recent months. This has included considerable public interest and media attention associated with air quality; the imposition of an Air Shed over the area; community discussion regarding the suitability of some industrial activities adjacent to residential areas, the Whareroa Marae and the Tauranga Harbour; and the investigation underway for a potential staged 'retreat' of industrial activities from the area, specifically around the Whareroa Marae.</p>
<p>Is Fast-track appropriate?</p>	<p>The proposal appears to be generally consistent with the purpose of the Act and the relevant regional planning instruments. It is likely to result in economic benefit to the local and national economy, including considerable employment during construction as well as long term direct and indirect employment at the Port of Tauranga. As identified in the preceding sections of this response, further clarification is considered to be required as to the full extent of potential effects resulting from the proposal.</p> <p>Based on the information provided to date, the proposal is:</p> <ul style="list-style-type: none"> • likely to be considered as a restricted discretionary activity or discretionary activity; • not located on land returned under a Treaty settlement or has not been agreed to by the landowner; • not located in a customary marine title area; and • not located in a protected customary rights area. <p>As a consequence, it is considered that the proposal is able to meet the criteria identified in section 18 of the COVID-19 Recovery (Fast-track Consenting) Act 2020.</p>
<p>Environmental compliance history</p>	<p>The Applicant has a number of resource consents associated with its activities at the Port of Tauranga, including resource consent 65806 which relates to dredging of the harbour entrance and area adjacent to the wharf (including part of the area applicable to this application). There are no current or ongoing compliance issues associated with this resource consent.</p>
<p>Reports and assessments normally required</p>	<p>As the proposal is located in the Coastal Marine Area, resource consent is required for the occupation of space, reclamation, dredging, discharge and disturbance activities. Typically a resource consent for such activities would be required to be supported by the following assessments:</p> <ul style="list-style-type: none"> • the potential hydrodynamic and geomorphic effects; • the potential effects on fisheries, indigenous biodiversity, marine life and ecosystems; • coastal water quality; • effects on other harbour users, navigation and public safety during dredging and construction activities; • effects on historic or cultural values under ss 6(e) or 7(a) of the Resource Management Act;

	<ul style="list-style-type: none"> • the compatibility of the structure and its intended use; • the finished visual appearance when viewed from a public place; • the potential effects of glare and lighting; • the management of hazardous substances; • the area, quantity, location and timing of any disturbance or deposition; • the effects of climate change; • the ability to remedy, mitigate or offset significant adverse effects on the coastal environment; • whether the proposed activity will affect sites of significance to Ngati Ranginui, Ngāi Te Rangi and Ngati Pukenga; and • the ability to avoid consequential erosion and accretion and other natural hazards.
Iwi and iwi authorities	Ngati Ranginui, Ngāi Te Rangi and Ngati Pukenga are identified as having an interest in the application area.
Relationship agreements under the RMA	There are no relationship agreements in place in relation to the area applicable to this resource consent application.
Insert responses to other specific requests in the Minister's letter (if applicable)	<p><i>Are there any reasons that you consider it more appropriate for the project, or part of the project, to proceed through existing Resource Management Act 1991 (RMA) consenting processes rather than the processes in the FTCA?</i></p> <p>The proposal is generally consistent with the future development programme identified and provided for in the Bay of Plenty Regional Coastal Environment Plan and has been identified by the Applicant for a considerable period of time. The Applicant has engaged with a number of interested parties regarding the scope of the proposal, including tangata whenua. However, it is noted that there is currently considerable public interest in activities undertaken at the Port of Tauranga, in particular the impact of the operations on air quality. Given this, consideration may be given to the applications being processed via a wider public process.</p> <p>The Applicant has identified that the proposal is in an area that contains nationally and internationally significant habitat and consequently it is considered important that a comprehensive assessment of the potential effects and effectiveness of any mitigation measures are provided for in the application documents.</p> <p>In light of the above, it is considered that there is no reason why the application should specifically be considered under the existing Resource Management Act consenting process in preference to the Fast Track Consenting Act 2020 process, providing that a comprehensive assessment of environmental and cultural effects is provided.</p> <p><i>Does the applicant, or a company owned by the applicant, have any environmental regulatory compliance history in your region?</i></p> <p>A brief outline of the compliance history associated with the Port of Tauranga operations has been identified in the preceding sections of this assessment. For completeness, we note that there has not been any significant enforcement actions taken by the Bay of Plenty Regional Council against the Applicant. Further, the Applicant has undertaken previous wharf extension projects and</p>

	dredging operations. A review of Council's compliance records has not identified an adverse regulatory compliance history associated with these activities.
Other considerations	<p>As identified in the application documents, the scope of works associated with the proposal is largely provided for within Schedule 9 of the Operative Regional Coastal Environment Plan. As a consequence of this, the resource consent framework is considered to be reasonably permissive, being provided for via a number of controlled activity or restricted discretionary activity rules.</p> <p>Significantly, the rules are subject to a 'non-notification clause', excluding the ability to publicly notify the application. It is noted however that upon a complete assessment of the full application, other consequential resource consents may be required (in particular earthworks on the landward side of the reclamation works) that do not contain the non-notification clause. The previous resource consents associated with the dredging of the harbour were publicly notified, with the decision ultimately being determined by the Environment Court. As such, it is anticipated that there is likely to be considerable public interest in the application.</p>

Note: All comments, including your name and contact details, will be made available to the public and the applicant either in response to an Official Information Act request or as part of the Ministry's proactive release of information. Please advise if you object to the release of any information contained in your comments, including your name and contact details. You have the right to request access to or to correct any personal information you supply to the Ministry.

Released under the provisions of the Official Information Act 1982



5 January 2021

Hon David Parker
Minister for the Environment
Private Bag 18041
Parliament Buildings
Wellington 6160

Tena koe e te Minita

**COVID-19 RECOVERY (FAST-TRACK CONSENTING) ACT 2020 – PORT OF TAURANGA
STELLA PASSAGE WHARVES AND DREDGING PROPOSALS**

I am in receipt of your letter dated 18 December 2020, sent to my team at 4.00pm on Friday. You have requested comments from Ngāi Te Rangi in relation to a very large application, within 10 working days - by our calculation, 6 January 2021. Little more needs to be said about the Crown requesting comments 3-working days out from Christmas, over a period that our whanau are taking a well-deserved break from tribal business. It is apparent that your own team is not even present to receive and respond to our comments, as they are on holiday. That same team has been sitting on this application for approximately six weeks.

Notwithstanding the above comments, we provide brief feedback to you in relation to the Port of Tauranga proposals for the Stella Passage, wharfs and dredging project.

1. We are at the very early stages of a constructive effort to find common ground with Port of Tauranga personnel, in relation to the above project.
2. We have agreed with the port authority that Ngāi Te Rangi is an affected party, having exercised ahikā at this site for centuries.
3. We have agreed with the port authority that resolution between the parties is preferable to engagement through statutory processes.
4. We are in the process of working with marae, hapu and our iwi to properly articulate the values and potential impacts of the project. That exercise will not be complete until April this year. The port authority understands and accepts this, and we are working hard alongside them, acknowledging the importance of the project.

We do not intend to provide a detailed response in relation to the rights and interests of Ngāi Te Rangi (at this stage), as the Minister's team would be capable of determining our status and interests, with very little research required.

Ngāi Te Rangi is actively engaged in resource management throughout our rohe, sitting in a number of governance roles, exercising rangatiratanga and kaitiakitanga, in line with our customary obligations.

At this stage, it is highly problematic to make a determination as to whether the application meets the requirements of section 18. Reasons for this include;

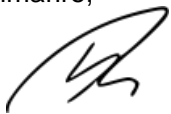
1. A lack of information to determine whether the application achieves the purposes of the Act.
2. No assessment in relation to the rights and interests of iwi and hapu, in accordance with section 6, 7 and 8 of the Act.
3. Significant customary interests are held and exercised in the zone of the proposed development, and within close proximity to it.
4. It cannot be known whether the application is consistent with the NZ Coastal Policy Statement (2010), particularly with regards to iwi rights and interests, as no analysis has been undertaken.
5. It is difficult to contemplate that the fast-track process can be completed prior to the date the Act is repealed in 2022.

We are continuing to work actively with the port authority, in order to meet the interests of both Ngāi Te Rangi and the port, but we cannot make any assurances of success at this time. Our preliminary work through the latter part of 2020, indicated we would produce a shared position by April or early May 2021, at the earliest. An attempt to fast-track the proposal and subvert the outcomes sought by the current partnership could be unnecessarily destructive.

We seek an opportunity to meet with the Minister's representatives overseeing the fast-track process, with a view to ensuring the current approach (and potential outcomes) are preserved, in the event you make a determination to refer the project. Finally, we would advise the Minister's team to review the decision of the Environment Court (2011) in relation to the last dredging project consented for the port. Both the port and Ngāi Te Rangi are working to avoid a repeat of the feedback provided from the Judiciary, in relation to the port's approach.

We look forward to your feedback in relation to our requests and hope that the Crown will apply a more respectful approach to engaging with Ngāi Te Rangi and other iwi on matters of potential national significance.

Paimarire,



nā Paora Stanley
Chief Executive
Te Runanga o Ngāi Te Rangi Iwi Trust

Cc Minister of Conservation
Cc Minister for Maori Crown Relations
Cc Minister Local Government
Cc MP Waiariki

