7 December 2022
Job No: 1017720.1000

Hon David Parker
via email

Attention: David Parker

Dear David

Covid-19 Recovery (Fast-Track Consenting) Act 2020 - Kāhui Kupenga Marine Access Facility, Te Araroa - Response to request for further information

Thank you for your letter dated 15 November 2022 requesting further information in relation to the above application. We have responded to the items you have requested below. The bold italics comprise your requested item, and the applicant's response is located below this.

1 *Further information on how the project will contribute to the social and cultural wellbeing of current and future generations*

As per discussions with Ministry for the Environment (MfE), we understand that you would like us to direct you to the sections of the application where this query has been addressed. For your convenience we have also copied the information into this document below.

Part III: Project details of the application refers to the recreational benefits provided by the marine access facility. These recreational benefits will contribute to the social and cultural wellbeing of current and future generations. This has been copied and expanded on below.

The mooring basin will provide a place for gathering and enjoyment of the marine environment for the community. Public recreational facilities will be provided such as a new sheltered beach, water sports area (waka ama) and craft launching facility, boat ramp and berthing for recreational vessels, a rescue centre building (which has the potential to provide an important dedicated rescue and response facility for the region for maritime incidents), harbour control building, a potential surf break along the breakwater edge, and use of eastern breakwater for walking and fishing. The steep beach and exposed coastline around Te Araroa currently limit the ability to launch and retrieve small craft such as waka and trailer boats used to undertake traditional customary practices like kai moana procurement and waka paddling. Put simply, the mooring basin will enhance access to the moana for undertaking customary practices thereby enhancing cultural wellbeing.

These new recreational facilities will provide new opportunities for people to walk to from Te Araroa. Te Rimu Trust (TRT) are advocating for a full formed walkway/cycleway to connect the facility to the settlement of Te Araroa which is located approximately 1.5 km to the east of the proposed facility. This will further enhance access to and along the coastline. A sense of physical and spiritual connectivity will be provided between the proposal and the Te Araroa Settlement through the potential for a new walkway/cycleway, Pou and interpretative panels.

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Part IX: Purpose of the Act addresses how the project will contribute to the social and cultural wellbeing for current and future generations in terms of providing jobs for the community, and the effective utilisation of Māori land.

The social and economic wellbeing of the local and regional community, which is one of the most economically and socially deprived in the country and has been for several decades, will be significantly improved through the employment and recreational opportunities (including customary practices) the facility will generate for current and future generations.

The cultural wellbeing of tangata whenua will be enhanced through allowing currently under-utilised Māori land and resources to be developed by tangata whenua in a way that will allow a wider community and regional benefit, thus allowing rangatiratanga and kaitiakitanga to be upheld. The productivity potential of the land and moana within the East Cape will be unlocked. The marine access facility will create a gateway to the moana for aquaculture as is occurring for Te Whakatōhea in Ōpotiki. Overall the marine access facility offers security to land owners to develop their land in forestry or other higher yielding sectors, which currently rely on road transportation to other areas of New Zealand and creates new opportunity for the development of marine based sectors in the moana for the tangata whenua of the wider East Cape . These higher yielding sectors typically require significantly greater and more frequent labour inputs, and generate economic activity throughout their life cycle compared to forestry. This is currently playing out through aquaculture processing facilities in Ōpotiki. The proposal will therefore improve the communities' connectivity and unlock current land based and future potential marine based assets within the region.

Jobs will be created from the marine access facility, both during construction and once operational. A total of 60 FTE jobs are expected over the 2.5 year construction phase of the project. Economic analyses undertaken to date show that the log/forestry sector transportation related function of the marine access facility is estimated to provide 120 FTE long term "direct" jobs and 490 FTE long term "indirect" jobs i.e. related to/supporting the forestry sector. Further jobs over and above the log/forestry sector related ones will likely be created through the unlocking of the land potential and potential for the marine access facility to service other sectors (including aquaculture opportunities).

Overall the marine access facility will also provide/restore some of the community with a sense of hope, pride and belonging. One example would be rangatahi staying in and/or returning to the East Cape to work in new utilisation of their ancestral land, in their moana and in aquaculture facilities. This allows their culture and traditions to be renewed through reconnecting with their community and natural resources. As set out within the Cultural Report appended to the application, enhancing prosperity and their people's quality of lives through economic activity is consistent with Ngāti Porou history and is culturally familiar to them.

In addition to this, TRT are implementing environmental enhancement projects in parallel with the marine access facility. These enhancement projects have been funded by the Government because they will contribute to the environmental, social and cultural wellbeing of the community. The projects include planting 300,000 native plants on 92 hectares in partnership with Te Uru Rākau (One Billion Trees Programme), restoration of 25 hectares of wetlands in partnership with Department of Conservation (Jobs for Nature Project), a nursery being established to support the above two projects, and the establishment of a 500kW Solar farm to provide power to the equivalent of 200 homes in the Te Araroa community and the Marine Facility in partnership with Te Puni Kokiri. This is an initiative to allow the marine access facility to be powered by renewable energy while also providing electricity to the community.

2 Information on whether the project site includes any Crown land and, if so, whether any additional approvals will be required to undertake works over that land

No authorisation is required from the crown by TRT to use the hydro parcel for facilitating access to the marine access facility, TRT in due course will apply to have that accreted area incorporated into their land. Advice from Tamaki Legal regarding this query is appended at 0.

3 Information on what works, if any, will take place on the land referred to as GSPR5D/911 Tokata C13 Block

The access way will transit the Tokata C13 Block as shown by the approximate location of the yellow line in Figure 1 below.

This will provide both construction access to deliver materials to site, and once the facility is operational, it will become the permanent access road for commercial access.

This will involve the following works:

- Excavating a foundation and then laying and compacting fill and aggregate for a carriageway surface together with local drainage works; and
- Placing and using a new crossing over the Te Puni Stream to facilitate access.

In addition, subject to detailed design some aggregate won from dredging the mooring could be temporarily stockpiled on the Tokata C13 Block prior to being used on site for training wall and mooring basin construction, beach nourishment, and/or being transported off site.

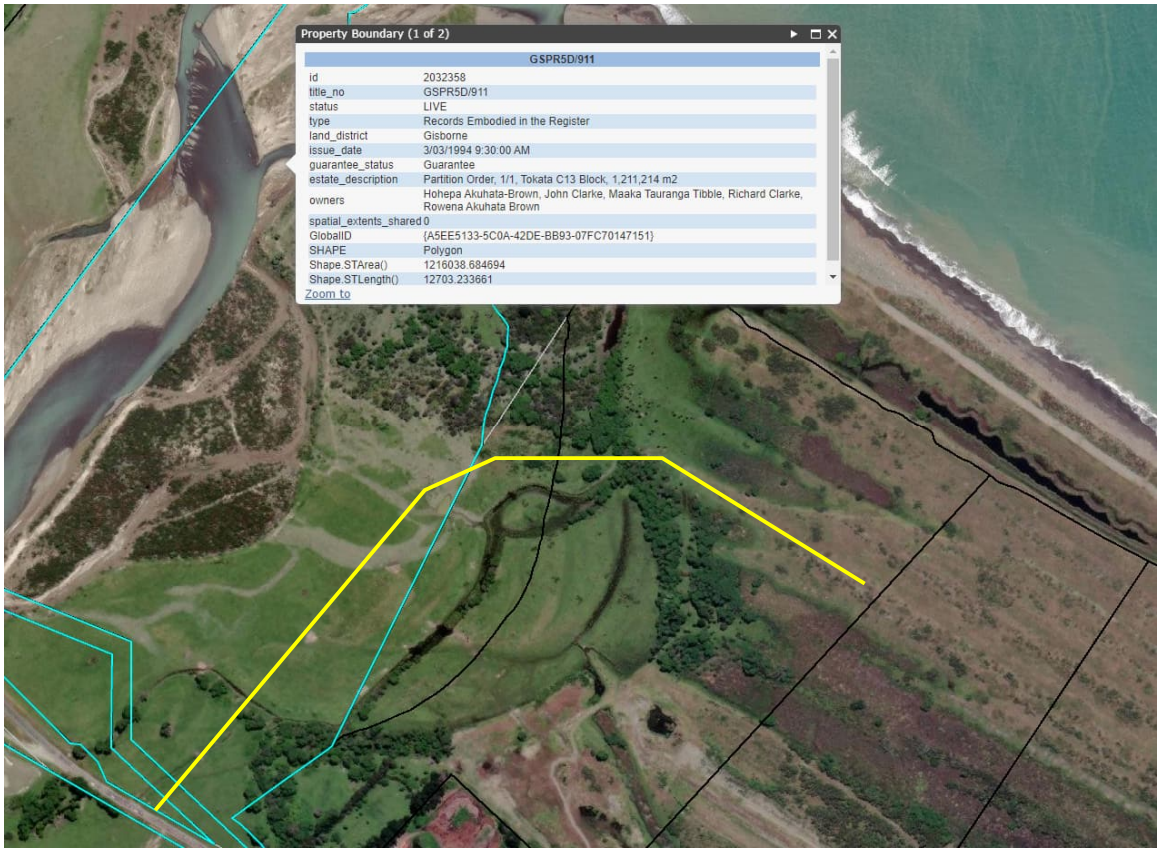


Figure 1: Tokata C13 Block (blue outline) and approximate location of proposed access (shown by yellow line)

Ecological enhancement planting will also be undertaken within the Tokata C13 Block.

4 *Information on whether any further action is required as land within the project site is subject to conditions of partition orders under the Te Ture Whenua Maori Act 1993*

Other than maintaining the owners support for the marine access facility, no further action is required for the purpose of complying with the Te Ture Whenua Māori Act 1993, or 1994 order. Response from Tamaki Legal addressing this query is appended at Appendix B.

5 *Analysis of how the project is consistent with the New Zealand Coastal Policy Statement 2010 with particular reference to the requirements of policies 11 and 15 to avoid adverse effects in specific situations.*

Table 1 appended at Appendix C assesses the application against the applicable policies of the New Zealand Coastal Policy Statement (NZCPS). The assessment finds that the application is consistent with the vast majority of the objective and policies. Assessments against Policy 11 and Policy 15 have been included below for your particular reference. A final assessment against the NZCPS objectives and policies will be made within the resource consent application.

The previous response to the further information request provides commentary on the gateway test under section 104D(1)(b), and reasoning as to why any inconsistency with an individual provision(s), or part of a provision of the NZCPS is not a matter that on its own can or should prevent the application passing the s104D gateway test.

Policy 11;

To protect indigenous biological diversity in the coastal environment:

a. *avoid adverse effects of activities on:*
    i. *indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
    ii. *taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
    iii. *indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare[6];*
    iv. *habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
    v. *areas containing nationally significant examples of indigenous community types; and*
    vi. *areas set aside for full or partial protection of indigenous biological diversity under other legislation; and*
b. *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:*
    i. *areas of predominantly indigenous vegetation in the coastal environment;*
    ii. *habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
    iii. *indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*
    iv. *habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
    v. *habitats, including areas and routes, important to migratory species; and*
    vi. *ecological corridors, and areas important for linking or maintaining biological values identified under this policy.*

Tonkin & Taylor Ltd (T+T) have undertaken the ecological field surveys at the site and surrounds and are currently in the process of reviewing this information to assist with the preparation of the ecological assessment for the resource consent application. Where available, this information has been used to assist with assessing the proposal against Policy 11.

With respect to Policy 11(a)(i), shore skink have been found on the site and are classified as 'At Risk - Declining'. The works required to construct the dredged access channel and mooring basin will result in the loss of some shore skink habitat. Shore skink primarily occupy the rock mounds within the dune ridges. None have been detected in the detritus zone at and above the high tide mark. Therefore, adverse effects on shore skink are unable to be completely avoided and to that extent the project is inconsistent with this policy. However, shore skink habitat is available along much of the Kawakawa Bay shoreline, and additional habitat will be recreated in the adjacent area (i.e. formation of rock mounds to create skink habitat, native planting of shrubs within dunes etc). In addition, existing habitat that will be unaffected by the Project will be enhanced by the removal of introduced weed species, the planting of appropriate coastal native species and the initiation of a pest control programme including the removal of farm livestock. A lizard management plan will also be put in place for the construction works to mitigate adverse effects.

Long-tailed bats are classified as 'Threatened – Nationally Critical' and may be present within the willow tree area near Te Puni Stream (field survey results are currently being analysed). If bats are found to be present at the site, it is considered that any adverse effects will be localised and less than minor. The works in proximity to this area include the bridge to be formed across the stream to provide construction access, and commercial access once the facility is operational. Some willow trees will need to be removed to enable the bridge to be built. Appropriate native riparian species will be planted to replace any willows that have to be removed. Removal of willows along the stream margin may reduce the effective bat feeding areas to a very small extent, therefore if bats are present on the site (they have not been detected to date), adverse effects are unlikely to be able to be completely avoided i.e. less than minor adverse effects may result. Bats sometimes roost in willow trees but there has been no evidence detected by the ecologists to date of bat activity or roosting in the vicinity of the bridge site.

Australasian bittern are classified as 'Threatened – Nationally Critical' however they are unlikely to be present on site as there is limited contiguous wetland habitat for them to use for foraging, and the habitat has previously been damaged by livestock. Australasian bittern were not observed or heard during the on-site walkovers; however the field survey results are currently being analysed (including data gathered from the deployment of acoustic monitoring devices). If Australasian bittern are present on site, adverse effects are likely to be avoided in accordance with Policy 11(a)(i) as the segments of wetland to be lost do not contain permanent standing water nor vegetation suitable as bittern habitat. The segments of wetland to be lost will not sustain the range of species that the contiguous wetland to the west does. As outlined within Part VII – Terrestrial ecology and freshwater wetlands section of the Fast Track Referral Application, indirect effects on wetland fauna due to the construction and operations of the marine access facility will be managed and mitigated appropriately.

Banded dotterel, which are classified as 'At Risk - Declining', were observed to be nesting near the Karakatūwhero River mouth which is well set back from the site, and none were found on the site of the proposed Marine Access Facility; therefore they are not considered to be adversely affected by the proposal.

The other applicable provision within Policy 11(a) is Policy 11(a)(iii). Shingle beaches are classified as 'naturally rare'. However, the site does not include the indigenous vegetation assemblages naturally associated with this habitat type. The dune ridges mostly comprise grazed pasture grasses and weed species. Therefore, adverse effects on this habitat type will be avoided. Given there is an absence of indigenous vegetation assemblages, and native planting is proposed to enhance the dune ridges and

create indigenous ecosystems and habitat, it is considered that the proposal is consistent with the policy to 'protect indigenous biodiversity'.

With respect to Policy 11(b)(iii), complete avoidance of adverse effects on coastal wetlands cannot be achieved. The degraded remnant wetland areas at the elevated end of the hydrological gradient will be removed to construct the access channel and breakwaters which is why offsetting through enhancement of other wetland areas on-site is proposed. This is consistent with Policy 11(b) which provides for mitigating and remedying adverse effects. Insofar as 'significant adverse effects', the location and design of the proposed marine access facility has been specifically developed through an iterative process to avoid significant adverse effects on coastal wetlands. This is consistent with policy 11(b)(iii). Significant adverse effects have been avoided on the contiguous coastal wetland to the west by shifting the location of the proposed facility and optimising its geometry so that it does not encroach into this habitat (i.e. no encroachment of the wetland where standing water is present). An engineered solution is also proposed to enable the contiguous coastal wetland to the west, and the wetland further inland (also known locally as 'airstrip wetland') to remain hydrologically intact, avoiding significant adverse effects during construction and operation of the marine access facility.

The proposal also avoids significant adverse effects on habitats of indigenous species in the coastal environment, including areas and routes important to migratory species in accordance with 11(b)(iii). The field survey shows that the Te Puni Stream provides habitat for many indigenous species such as inanga and long-fin eels. Significant adverse effects are avoided on these indigenous species by the proposed marine access facility being shifted from its original location near the Te Puni Stream to as far east as possible, while still being within TRT land. The accessway will be required to cross the Te Puni Stream, however to avoid significant adverse effects it will be ensured this is bridged rather than culverted to eliminate any adverse impact on fish passage and ensure migratory routes are not adversely affected. New ecological corridors will also be created in accordance with Policy 11(b)(vi) through the enhancement works to create contiguous habitat from the upper tidal system through the gravel dune system and extending back to the floodplain area. This corridor will also be linked into the enhancement works for the Te Puni Stream.

Given the above, the project is inconsistent with some parts of the policy i.e. complete avoidance of adverse effects on threatened shore skink in accordance with provision 11(a)(i) is not possible, however the project is consistent with the remainder of the policy which provides for the effects hierarchy to be applied for adverse effects (i.e. avoidance, remediation or mitigation), and the avoidance of 'significant adverse effects'.

Policy 15;

Natural features and natural landscapes

To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and

(b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:

(c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:

(i) natural science factors, including geological, topographical, ecological and dynamic components;

(ii) the presence of water including in seas, lakes, rivers and streams;

(iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;

(iv) aesthetic values including memorability and naturalness;

(v) vegetation (native and exotic); New Zealand Coastal Policy Statement 2010 19

(vi) transient values, including presence of wildlife or other values at certain times of the day or year;

(vii) whether the values are shared and recognised;

(viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;

(ix) historical and heritage associations; and

(x) wild or scenic values;

(d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and

(e) including the objectives, policies and rules required by (d) in plans.

As per the previous response, the following assessment has been made by Isthmus;

The entire coastal area of Hicks Bay, Haupara Point and Kawakawa Bay has been identified as an outstanding natural feature or landscape. The landscape area identified is a relatively consistent offset from the coastal edge in a landward direction. The inland boundary does not follow any consistent landscape feature, but appears to follow the SH35 corridor for the Kawakawa Bay section of the ONFL. Within this area there are landscape features that contribute positively to the outstanding landscape values of the area, including the Karakatūwhero and Awatere Rivers, the coast line and waters, natural areas of coastal wetland, indigenous coastal vegetation and natural dune landforms. There are other areas of the wider ONL, such as the areas that have been mined for gravel extraction or where weeds species have become established. The barge harbour proposal has been carefully located and designed to largely avoid the positive values and attributes of the Kawakawa Bay landscape and to be focused in the areas where landscape values are already degraded (where gravel extraction, weed infestation, etc has taken place). This provides the opportunity for landscape and natural character values to be improved on balance by the proposal.

By avoiding areas of higher landscape values, the effects of the proposal on the outstanding landscape values of the Kawakawa Bay area will be limited. Significant adverse effects will not result from the proposal for these reasons, and the site presents broad opportunities for the mitigation and remedy of any residual adverse effects of the proposal ensuring consistency with policy 15b).

In addition to the above request for further information, we previously outlined that we would be providing further information from the logistics expert in response to query 2 of the Minister's letter dated 13 September 2022. The Minister queried whether there would be any direct job losses in the logging sector. The bold italics comprise the requested information, and the response has been provided below this.

2 Project benefits

The application states the project is expected to remove the need for, and as a result reduce, the number of logging trucks on public roads. Please comment on whether this will result in any direct job losses to the region in the logging sector, as well as any indirect jobs supporting the logging sector (i.e. mechanical servicing/repairs). Please provide net job creation figures (numbers of new jobs created minus numbers of job losses in the logging sector)

Refer to Tonkin & Taylor Limited letter dated 30 September 2022 with regards to the previous response provided by the logistics expert. Following further work being undertaken, the logistics expert has expanded on this response below in terms of the existing situation and how the marine access facility will increase jobs for truck drivers in the region due to the unlocking of uneconomic forestry and more logs subsequently being harvested:

One harvesting crew (of 6 people) harvests, on average 250 tonnes of logs per day, which equates to 8 truck loads. In recent years, 15 harvesting crews have left the Tairawhiti region, or gone bankrupt, as commodity prices leave forest assets unharvested. This effect has a negative impact on all parts of the supply chain, local jobs and economic prosperity. This includes losses of jobs for truck drivers. Summit Forests (one of the largest Forest Managers on the East Cape) currently supports 1 harvesting crew only. This requires 3-4 truck drivers given the long distances to transport logs to the port of Gisborne. This contributes to high costs and in the current economic environment is not profitable.

With the implementation of the marine access facility, Summit Forests will increase its crews in the northern part of Tairawhiti to 5-6 crews to harvest the baseline log supply (300,000 tpa). This increases jobs by 24-30 in harvesting. Although truck distances are greatly reduced and for each crew fewer truck drivers are needed (currently 3-4 truck drivers are needed per crew and this will reduce to 2-3 truck drivers per crew to transport to the marine access facility), the project unlocks uneconomic forestry. Given the increase in harvesting crews and timber logged there will thereby be an increase in jobs for truck drivers in the region from 3-4 to 10-12. This is a 7-8 FTE increase in truck driving jobs based on Summit Forests alone.

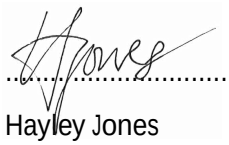
The above commentary is based on one forestry business alone. If considering all small wood lot owners and Ngāti Porou forestry, jobs for truck drivers will increase further.

Applicability

This report has been prepared at the request of our client HEB Construction Limited, with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

We understand and agree that our client will submit this report as part of a fast track referral application and that the Ministers for the Environment and Conservation will use this report for the purpose of assessing that application.

Tonkin & Taylor Ltd

Report prepared by:	Authorised for Tonkin & Taylor Ltd by:
	
.....	.....
Hayley Jones	Peter Millar
Environmental Consultant	Project Director

Technically reviewed by: Reuben Hansen, Technical Director-Environmental and Roger MacGibbon, Principal Ecologist.

7-Dec-22
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Appendix A Tamaki Legal Advice – Hydro parcels

TamakiLegal
Barristers & Solicitors

6 December 2020

Richard Clarke
Te Rimu Trust
Via email

Email: s 9(2)(a)

Tēnā koe Richard,

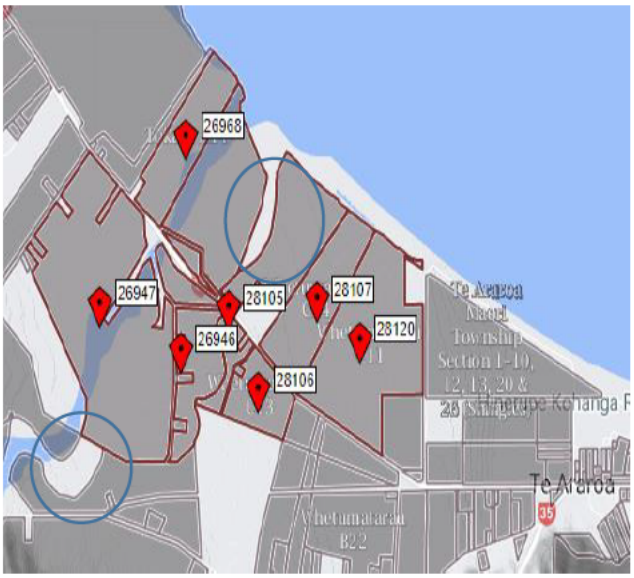
Following on from discussions around hydro parcels located on Te Rimu Trust land, please find below an analysis of those parcels.

Hydro parcels (Coastal Marine Area)

There are two hydro parcels located on Te Rimu Trust land. They are depicted in dark blue in the map below. Hydro parcels are deemed to be Crown owned without appellation or title. They are often formed or located with braided rivers, such as the Karakatuwhero.

Hydro parcels

Te Rimu Trust lands



Hydro parcels are where water used to be often in the case of rivers.

There are a few hydro parcels along the Karakatuwhero, some in the river. Title could be sought for these as accretions to the land.

Managing Director: Darrell Naden
PO Box 75-517, Manurewa, Manukau 2243
P. s 9(2)(a)
Free Phone: 0800 37 10 37

The map above is from 2009 so the course of the river could have changed since that time. More time will be needed to gain an accurate picture of the actual number of hydro parcels within Te Rimu Trust lands as at 2022.

Hydro parcels are just labels. You can apply to have it added to your land block as an accretion and will require making an application. Crown title only refers to the parcel that is defined as hydro and does not affect the title of the land blocks as they currently stand.

The process of applying to add hydro parcels as an accretion to your land title will take time and can be completed once the resource consent process for the barge is complete.

Sea hydro parcels define the notional 12 nautical mile limit for legal purposes. With a sea hydro parcel, it is more for resource consent processes. If the hydro parcel is below the mean high water springs mark ('MHWS"), then you can apply to the regional council for a resource consent. If it is above the MHWS, you apply to the district council. As the Gisborne District Council is a unitary authority, it processes both regional and district resource consents.

In conclusion, hydro parcels do not affect the title of the lands being administered by the Te Rimu Trust. They are accretions to land as a result of a change in the water boundary. Applications can be made to adjust the boundary of trust land to include the hydro parcel. We would recommend that such applications be made at a later date, once an updated map showing the current hydro parcels is completed.

Noho ora mai rā,
TAMAKI LEGAL

DARRELL NANDEN
Managing Director

Managing Director: **Darrell Naden**
PO Box 75-517, Manurewa, Manukau 2243
P. (s 9(2)(a)
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Appendix B Tamaki Legal Advice – Compliance with Māori Land Court Orders

TamakiLegal
Barristers & Solicitors

Wednesday, 30 November 2022

Tonkin Taylor Limited
WELLINGTON

Email: s 9(2)(a)

Tēnā koe Reuben,

TE ARAROA KĀHUI KUPENGA MARINE ACCESS FACILITY—COMPLIANCE WITH MAORI LAND COURT ORDERS

1. We act for Te Rimu Trust.

2. We hereby respond to the following information request from Tonkin Taylor:

> Information on whether any further action is required as land within the project site is subject to conditions of partition orders within the Te Ture Whenua Maori Act 1993.

3. The marine facility will be sited on part Whetumatarau C11 (152 acres) and/or part Whetumatarau C14 (52 acres).

4. Section 308(1) of the Act provides for a Māori Land Court order "[w]here the court is satisfied that any 2 or more areas of land to which this Part applies could be more conveniently worked or dealt with if they were held in common ownership, but that there is no reason to cancel the existing titles, it may make an aggregation order vesting the areas of land in the aggregate of the owners of those areas".

5. On 3 February 1994, Whetumatarau C11 and C14 were vested along with several other land blocks by order of the Maori Land Court made pursuant to section 308 ("**1994 order**"), a copy of which is **attached**, in the aggregate of owners listed in the Second Schedule to the 1994 order ("**owners**"). The relevant lands are set out in the First Schedule of the 1994 order, they being:

> Tokata A14
> Tokata C12
> Tokata C13
> **Whetumatarau C11**
> Whetumatarau C12
> Whetumatarau C13
> **Whetumatarau C14**
>
> ("**vested lands**")

6. A key component of the 1994 order is that the vested lands are held in common ownership. The owners in common hold share interests as opposed to defined land interests.

7. At Te Rimu Trust's Annual General Meeting held on 29 November 2014, the trustees were authorised by the owners present to develop a marine facility on the vested lands. The owners' authorisation included the development of a marine facility on Whetumatarau C11 and C14 if so required. Since that date, the trustees have kept the owners informed about progress with the marine facility at Annual General Meetings and on other occasions. Furthermore, the development of the marine facility was incorporated into Te Rimu Trust's strategic plan in 2020. As discussed, the 1994 order vested Whetumatarau C11 and C14 in the owners. The trustees have secured the owners' support for the development of the barge facility and that support has been maintained.

8. In these circumstances, other than maintaining the owners' support for the marine facility, it is concluded that no further action is required for the purpose of complying with the 1994 order or with the 1993 Act as a whole.

Thank you for your consideration of these matters. Please advise if any further information is required.

Nāku iti nei, nā
TAMAKI LEGAL

DARRELL NADEN
Managing Director

ORDER VESTING LAND IN THE AGGREGATE OF OWNERS THEREOF

Te Ture Whenua Maori Act 1993
Section 308

In the Maori Land Court
of New Zealand
Tairawhiti District

38 Ruatoria MB 194-6

IN THE MATTER of:-

TOKATA A14 & OTHERS

At a sitting of the Court held at Rotorua on the 3rd day of February 1994 before Heta Kenneth Hingston, Esquire, Judge.

WHEREAS the lands set out in the First Schedule hereto are Maori freehold lands held under separate titles:

AND WHEREAS THE COURT is satisfied that the said lands could be more conveniently dealt with if they were held in common ownership but that there is no reason to cancel the existing titles:

IT IS HEREBY ORDERED pursuant to the provisions of Section 308 of Te Ture Whenua Maori Act 1993 that the said lands set out in the First Schedule hereto be and the same are hereby vested in the aggregate of the owners thereof as set out in the Second Schedule hereto in the shares as set out opposite their respective names.

AS WITNESS the hand of the Judge and the Seal of the Court.

THE MAORI LAND COURT OF NEW ZEALAND

JUDGE

FIRST SCHEDULE

Tokata A14
Tokata C12
Tokata C13
Whetumatarau C11
Whetumatarau C12
Whetumatarau C13
Whetumatarau C14

TOKATA A14 & OTHER BLOCKS

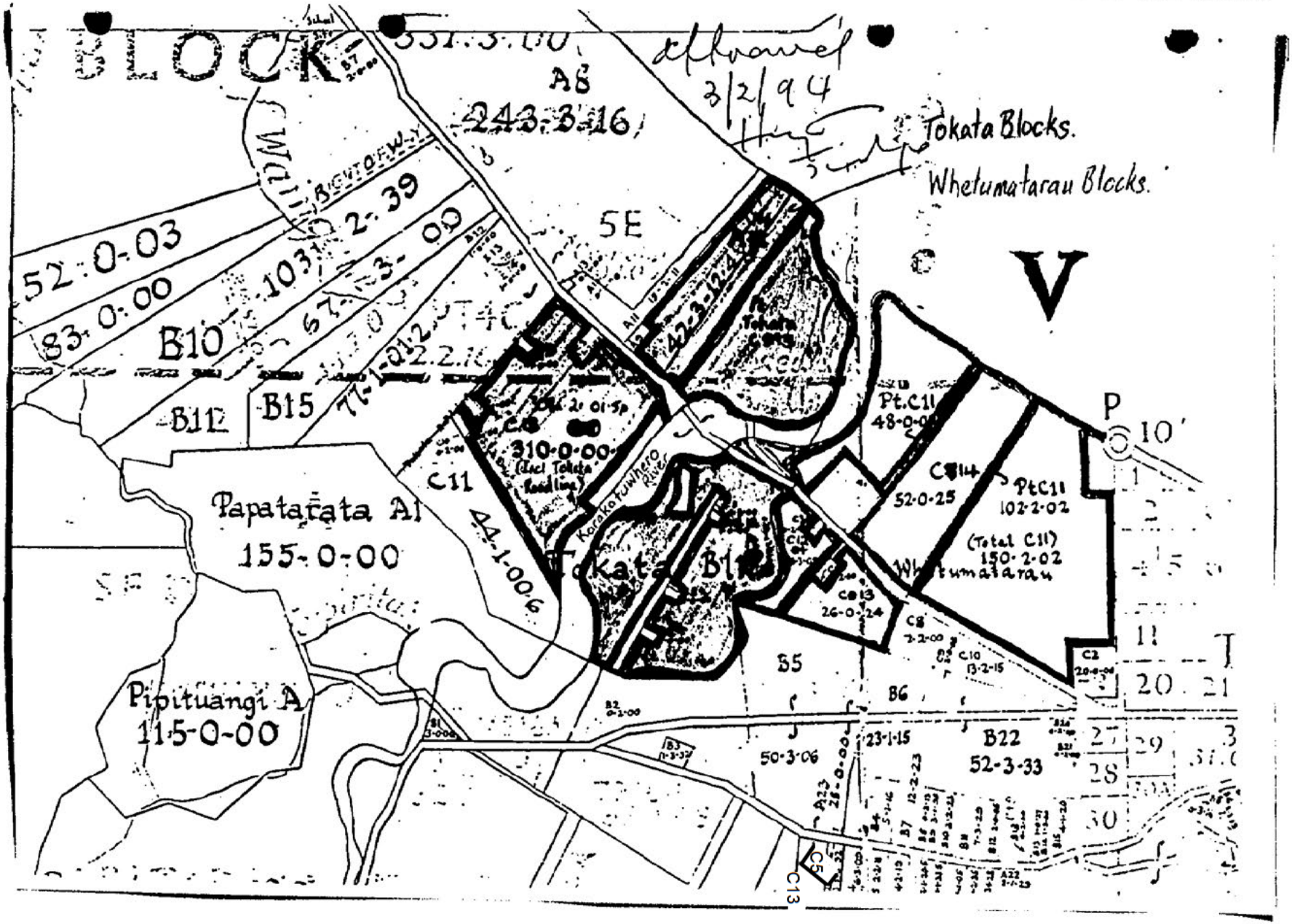
SECOND SCHEDULE

1.	Adelaide Karauria	f.	353.69240
2.	Albert John Evans	m.	13050.44000
3.	Alexandra Mary Savage	f.	88.42310
4.	Ani Parata Emery	f.	1004.11620
5.	Ani Patene Tibble	f.	175.32780
6.	Ani Taureti Kirk	f.	2798.79930
7.	Ani Taureti Rore Akuhata	f.	374.80060
8.	Anthony Matenga Waaka Brown	m.	1004.11610
9.	Aromoana Brooks	f.	3676.14720
10.	Bebe Tiria Newton	f.	2123.10220
11.	Bertrum Turupa Green	m.	100.00000
12.	Boydie Karauria	m.	353.80520
13.	Cecil Tori Mulligan	m.	4526.31770
14.	Charlie Karauria	m.	353.69240
15.	Charmaine Naden	f.	621.20560
16.	Daisy Kera (or Kura) Karaka	f.	981.29980
17.	Dean Joseph Patrick Akuhata	m.	100.00000
18.	Donald Karauria	m.	353.69240
19.	Edward Green	m.	100.00000
20.	Erana Te Whata Iwi Tibble	f.	350.65570
	<u>for life or until remarriage with remainder equally to:</u>		
	Frank Tibble (Jnr) m.		
	Ripeka Teoharepe Maui f.		
	Wiremu Kururangi Tibble m.		
	James Patrick Tibble m.		
	John Selwyn Tibble m.		
21.	Fanny Karauria or Maurirere	f.	353.69240
22.	George Matua Evans or Hori Matua Evans	m.	54336.70160
23.	George Waikari Nelson as Executor of the Will of Wi Paku Akuhata		100.00000
24.	Gladys Brown	f.	1004.11620
25.	Hakopa Raharuhi Akuhata	m.	2871.53090
26.	Hannah Tamatea	f.	981.29980

27.	Haora Puketapu	m.	9500.00000
28.	Hauraki Akuhata	m.	100.33520
29.	Helen Karauria	f.	353.80520
30.	Heni Titihuia Akuhata or Wairakau Akuhata	f.	1882.27060
31.	Henrietta Celia Tichborne	f.	2454.38450
32.	Herbert John Clarke	m.	481.29970
33.	Herewini Te Moananui-a-Kiwa Kaa	m.	152.48010
34.	Hineawe Akuhata	f.	2359.30620
35.	Hinehou Akuhata	f.	577.93390
36.	Hone Te Kauru Clarke	m.	500.00000
37.	Te Iharaira Puketapu	m.	1900.00000
38.	Te Iwa Tapita Smiler	f.	1004.11620
39.	Jean Tibble	f.	350.66310
	<u>for life or until remarriage with remainder equally to:</u>		
	Harry David Tibble	m.	
	Tamati Tautahi Tibble	m.	
	Tuherirangi Tibble	m.	
	Wanaka Henare Tibble	m.	
	Tangiwaea Collier	f.	
	Pakoroua Tibble	m.	
	Susan McNaught	f.	
40.	Joseph Akuhata Brown	m.	14033.73640
41.	Joseph Clarke	m.	100.00000
42.	June Karauria	f.	353.80520
43.	Kairakau Akuhata	m.	522.50840
44.	Kakapaiwaho Kururangi Tibble	m.	100.00000
45.	Kararaina Hineturakiao Akuhata	f.	100.00000
46.	Kararaina Karauria	f.	350.00000
47.	Kararaina Wall or Akuhata	f.	6842.75500
48.	Kristine Phillipa Mary Evans	f.	50.00000
49.	Le Roy Albert Ramond Evans	m.	10813.93510
50.	Makere Tibble	f.	350.66310
51.	Makere Waiwaha Jordan	f.	652.48010
52.	Martin Nohotakitaki Akuhata or Evans	m.	8110.41010
53.	Mary Caroline Butterworth	f.	8110.45130
54.	Mary Ellen (or Allen) Jean Green	f.	981.29970
55.	Mataraiha Stirling	f.	311.38530
56.	Mateohorere Kaa	f.	100.00000
57.	Mere Arihi Pewhairangi	f.	117.89750
58.	Mere Karaka Raerena	f.	438.22710

59.	Mere Puketapu	f.	1900.00000
60.	Mere Raiha Taureti Akuhata	f.	577.93390
61.	Mere Te Runa	f.	311.38530
62.	Michael Lawrence Clarke	m.	1081.29980
63.	Michael Ngatai Savage	m.	88.42310
64.	Michael Parekura Pewhairangi	m.	117.89740
65.	Mikaere Akuhata Brown or Mikara Brown	m.	1000.00000
67.	Miki Clarke or Miki Whaiora Clarke	m.	981.29970
68.	Ngarangi Aroha Kaa	f.	100.00000
69.	Ngareta Clarke	f.	981.29970
70.	Ngatai Puketapu II	f.	1900.00000
71.	Opetuarua Puketapu	f.	1900.00000
72.	Pani Wairemana Akuhata Morris	f.	250.00000
73.	Patricia Karauria or Heikle	f.	353.80520
74.	Peta Karauria	m.	353.80520
75.	Peter Rawiri Savage	m.	88.42310
76.	Pine Tibble Jnr	m.	350.66310
77.	Poihipi Akuhata Brown	m.	100.00000
78.	Poihipi Akuhata Brown (Child of Noaranginui and Ngahiraka Akuhata-Brown)	m.	11783.73640
79.	Rangituatahi Akuhata	m.	2359.63520
80.	Rapata Te Rauna Tatainga o te Rangi Kaa	m.	652.48010
81.	Te Rauwhiro Tibble	m.	250.65570
82.	Raylene Ann Henare	f.	100.00000
83.	Rerewaiora Akuhata or Rere Akuhata or Puha	f.	482.39660
84.	Richard Turei Clarke or Richard Clarke	m.	3601.65600
85.	Richard William Clarke	m.	481.29980
86.	Te Rimu Trust		577.93390
87.	Riparata Kururangi Tibble	f.	175.32780
88.	Roberta Tibble	f.	350.66310
89.	Ruby Aroharangi Mill	f.	652.48010
90.	Shirley Joanne Salmon	f.	117.89750
91.	Sidney Clarke	m.	481.29980
92.	Steven Karauria Savage	m.	88.42310
93.	Sydney Clarke	m.	5197.72580
94.	Sydney George Mulligan	m.	621.20570

95.	Tauoha Makiri		f.	981.29970
96.	Thomas Akuhata Jnr		m.B.21.1.79	100.00000
97.	Thomas Clarke		m.	220.30390
98.	Thomas Wetini Akuhata		m.	5123.46830
99.	Tipene Manawa Akuhata		m.	100.00000
100.	Trevor Joseph Evans		m.	50.00000
101.	Truby Karauria		m.	353.80520
102.	Turuhira Karauria or Karaka		f.	353.80520
103.	Whaiora Puketapu		m.	1900.00000
104.	Whare Karaka		m.	980.94570
105.	Whare Piuta Akuhata		m.	1529.64050
106.	Whare Taina Clarke		m.	100.00000
107.	Te Whetu Paea Tibble			350.66310
	<u>for life or until remarriage with remainder equally to:</u>			
	Riparata Leona Whakataka (Mrs)	f.		
	Marion Takakino Tibble (Miss)	f.		
	Te Aokauirangi Jacqueline Walker (Mrs)	f.		
	Sharon Mary Harrison (Mrs)	f.		
	William Kururangi Tibble	m.		
	Sandra Iona Chase (Mrs)	f.		
	Te Hira Paea Tibble	m.		
	Marrgaret Fruean (Mrs)	f.		
	Maurice Tibble	m.		
	Heni Te Maro	f.		
	Hineawa Jackson or Stevenson (Mrs)	f.		
108.	William Brown		m.	1004.11610
109.	William Clarke		m.	220.29650
110.	William Dean Clarke		m.	100.00000
111.	William Makiri		m.	100.00000
112.	William Makiri		m.	75.00000
113.	Wiremu Mangai Kaa		m.	752.48010
		TOTAL SHARES		221000.00000


BLOCK
A8
243-3-16
Tokata Blocks.
Whetumatarau Blocks.
5E
52-0-03
83-0-00
B10
B12
B15
C8
310-0-00
(Incl Tokata landing)
C11
Papatarata A1
155-0-00
Pipituangi A
115-0-00
Tokata B1
Pt.C11
48-0-0
C8 14
52-0-25
Pt C11
102-2-02
(Total C11)
150-2-02
Whetumatarau
C8 13
26-0-24
B5
B6
B22
52-3-33
50-3-06
23-1-15
P
10
20
21
27
28
29
30

Appendix C NZCPS objective and policy assessment

Table 1: Objectives and policies assessment

Objective/policy	Comment
Objective 1 *To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:* • *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;* • *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and* • *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity*	The fundamental aspects of the coastal environment referred to in Objective 1 will not be jeopardised by the project. None of the values present at the site are representative of significant natural ecosystems or a site of biological importance when compared to the wider coastal environment in the area. As a result, granting consent to the project would not be inconsistent with the requirements of Objective 1.
Objective 2 *To preserve the natural character of the coastal environment and protect natural features and landscape values through:* • *recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;* • *identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and* • *encouraging restoration of the coastal environment* *Policy 13* *Preservation of natural character* *(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:* *(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and* *(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities*	These provisions cumulatively seek to preserve the natural character of the coastal environment and protect natural features and landscape values, while encouraging restoration of the coastal environment. The site is classified as Outstanding Natural Landscape (ONL), and the project will generate a degree of adverse effect through the introduction of the activity to the environment. However as per the previous response, the following assessment has been made by Isthmus; *The entire coastal area of Hicks Bay, Haupara Point and Kawakawa Bay has been identified as an outstanding natural feature or landscape. The landscape area identified is a relatively consistent offset from the coastal edge in a landward direction. The inland boundary does not follow any consistent landscape feature, but appears to follow the SH35 corridor for the Kawakawa Bay section of the ONFL. Within this area there are landscape features that contribute positively to the outstanding landscape values of the area, including the Karakatūwhero and Awatere Rivers, the coast line and waters, natural areas of coastal wetland, indigenous coastal vegetation and natural dune landforms. There are other areas of the wider ONL, such as the areas that have been mined for gravel extraction or where weeds species have become established. The barge*

Objective/policy	Comment
on natural character in all other areas of the coastal environment; including by: *(c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and* *(d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.* *(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:* *(a) natural elements, processes and patterns;* *(b) biophysical, ecological, geological and geomorphological aspects;* *(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;* *(d) the natural movement of water and sediment;* *(e) the natural darkness of the night sky;* *(f) places or areas that are wild or scenic;* *(g) a range of natural character from pristine to modified; and (h) experiential attributes, including the sounds and smell of the sea; and their context or setting* *<u>Policy 14</u>* *Restoration of natural character* *Promote restoration or rehabilitation of the natural character of the coastal environment, including by:* *(a) identifying areas and opportunities for restoration or rehabilitation;* *(b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;* *(c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:* *(i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or* *(ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or* *(iii) creating or enhancing habitat for indigenous species; or*	*harbour proposal has been carefully located and designed to largely avoid the positive values and attributes of the Kawakawa Bay landscape and to be focused in the areas where landscape values are already degraded (where gravel extraction, weed infestation, etc has taken place). This provides the opportunity for landscape and natural character values to be improved on balance by the proposal.* *By avoiding areas of higher landscape values, the effects of the proposal on the outstanding landscape values of the Kawakawa Bay area will be limited. Significant adverse effects will not result from the proposal for these reasons,* ***and*** *the site presents broad opportunities for the mitigation and remedy of any residual adverse effects of the proposal ensuring consistency with policy 15b).* Further, through the implementation of mitigation and enhancement measures is consistent with those parts of Objective 2 and Policy 14 that promote the restoration of natural character in the Coastal Environment.

Objective/policy	Comment
(iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or *(v) restoring and protecting riparian and intertidal margins; or (vi) reducing or eliminating discharges of contaminants; or* *(vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or* *(viii) restoring cultural landscape features; or* *(ix) redesign of structures that interfere with ecosystem processes; or* *(x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.* *Policy 15* *Natural features and natural landscapes* *To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:* *(a) avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and* *(b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:* *(c) identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:* *(i) natural science factors, including geological, topographical, ecological and dynamic components;* *(ii) the presence of water including in seas, lakes, rivers and streams;* *(iii) legibility or expressiveness—how obviously the feature or landscape demonstrates its formative processes;* *(iv) aesthetic values including memorability and naturalness;* *(v) vegetation (native and exotic); New Zealand Coastal Policy Statement 2010 19* *(vi) transient values, including presence of wildlife or other values at certain times of the day or year;* *(vii) whether the values are shared and recognised;* *(viii) cultural and spiritual values for tangata whenua, identified by working, as far as practicable,*	

Objective/policy	Comment
in accordance with tikanga Māori; including their expression as cultural landscapes and features; *(ix) historical and heritage associations; and* *(x) wild or scenic values;* *(d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and* *(e) including the objectives, policies and rules required by (d) in plans.*	
Objective 3 *To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:* • *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;* • *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;* • *incorporating mātauranga Māori into sustainable management practices; and* • *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*	The project is consistent with this intent given the nature of the applicant and their ownership of the site, the benefits that tangata whenua of the wider East Cape area will receive from the project, and the fact that mātauranga Māori will be incorporated into the design and construction of the project.
Objective 4 *To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:* • *recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;* • *maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and* • *recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.*	These provisions seek to maintain and enhance public access qualities and recreational opportunities in the coastal environment, including through the provision of public walking access that is safe, practicable and free of charge. While the construction of the access channel through the beach and foredune will create a barrier to walking access along the beach, the Karakatūwhero River which is approximately 800 m to the west of the marine access facility forms a natural barrier to people walking from the east, and for people walking any further west along the beach from Te Araroa. There is an existing walking/four wheel-drive track which connects the TRT land parcel to Te Araroa, however observations indicate the track is utilised predominantly by four wheel-drive vehicles to access the Karakatūwhero River outlet through the backdune. The river outlet and its associated estuary are sensitive ecological areas.

Objective/policy	Comment
Policy 18 *Public open space* *Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:* *(a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;* *(b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;* *(c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;* *(d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and* *(e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs* *Policy 19* *Walking access* *(1) Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.* *(2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:* *(a) identifying how information on where the public have walking access will be made publicly available;* *(b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and* *(c) identifying opportunities to enhance or restore public walking access, for example where:* *(i) connections between existing public areas can be provided; or* *(ii) improving access would promote outdoor recreation; or* *(iii) physical access for people with disabilities is desirable; or (iv) the long-term availability of public access is threatened by erosion or sea level rise; or* *(v) access to areas or sites of historic or cultural significance is important; or*	The marine access facility will create new recreational opportunities for people to walk to from Te Araroa and use. This includes the walkway to be created along the breakwater, fishing from the breakwater, a new sheltered beach, a surf break along the breakwater edge, a place for waka ama/sports and craft launching facilities and a general gathering place. It will also provide marine access for recreational vessels for people to use and enjoy the marine environment (fishing, diving etc). The marine access facility will also result in the current inappropriate transiting of sensitive ecological areas ceasing, due to the fact its presence will prevent uncontrolled access to the west. TRT do not own or control Moana Parade or Te Arawapia Road (they are public roads) and so have no ability to upgrade the existing track into a cycleway. However, TRT will advocate to Gisborne District Council and the Government to secure funding to form the existing track into a formal walkway and cycleway within Moana Parade and Te Arawapia Road. The segment of walkway in the TRT land parcel will be formed with an aggregate or similar stabilised surface. Given the above the project remains consistent with these provisions given the improved opportunities for a walkway along the coast from Te Araroa, and the fact that the project will provide new water based recreational opportunities through the walkway along the breakwater, use of the constructed basin for water sports such as waka ama and the ability for recreational vessels to access the ocean.

Objective/policy	Comment
(vi) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so. *(3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary;* *...* *(e) to protect public health and safety..* *<u>Policy 20</u>* *Vehicle access* *(1) Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:* *(a) damage to dune or other geological systems and processes; or* *(b) harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or* *(c) danger to other beach users; or* *(d) disturbance of the peaceful enjoyment of the beach environment; or* *(e) damage to historic heritage; or* *(f) damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or* *(g) damage to sites of significance to tangata whenua; might result.* *(2) Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.* *(3) Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.*	
<u>Objective 5</u> *To ensure that coastal hazard risks taking account of climate change, are managed by:* • *locating new development away from areas prone to such risks;* • *considering responses, including managed retreat, for existing development in this situation; and* • *protecting or restoring natural defences to coastal hazards.*	This objective seeks to ensure that new development in the coastal environment is located away from areas prone to natural hazard risk (taking into account climate change). The project is consistent with this objective given that the marine access facility is located as far away as practicable from the river related hazards, will be designed to be resilient to seismic hazards and needs to be in the coastal environment for operational purposes, so cannot be moved away from coastal hazards. The design of the facility will make allowance for climate change induced sea level rise.

Objective/policy	Comment
Objective 6 *To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:* • *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;* • *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;* • *functionally some uses and developments can only be located on the coast or in the coastal marine area....* *Policy 9* *Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by:* *(a) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes; and* *(b) considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.* *Policy 10 (3)* *In considering proposed reclamations, have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including ports, airports, coastal roads, pipelines, electricity transmission, railways and ferry terminals, and of marinas and electricity generation.*	The project is entirely consistent with Objective 6. The marine access facility and its associated commercial and recreational functions are reliant on a coastal location, and will be important to the social, economic and cultural wellbeing of the people of the East Cape through the employment opportunities it will generate and the ability to export materials grown on ancestral land, and aquaculture opportunities with attendant flow on economic benefits. The project itself is an appropriate form of development for the site, and the site is an appropriate location given that with the implementation of mitigation and enhancement measures the quality of the environment of the site and general area will be enhanced while retaining the components of the area that fundamentally contribute to its naturalness and natural character. Likewise the construction and operation of the marine access project is entirely consistent with Policy 9 that is specific to Ports, and recognises that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes. Policy 10(3) also recognises the importance of ports in the coastal environment, by requiring particular regard to be had to the extent to which a reclamation in the coastal environment would provide for the efficient operation of a port.
Policy 11 *To protect indigenous biological diversity in the coastal environment:* *(a) avoid adverse effects of activities on:* *(i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists*	T+T have undertaken the ecological field surveys at the site and surrounds and are currently in the process of reviewing this information to assist with the preparation of the ecological assessment for the resource consent application. Where available, this information has been used to assist with assessing the proposal against Policy 11. With respect to Policy 11(a)(i), shore skink have been found on the site and are classified as 'At Risk -

Objective/policy	Comment
(ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened *(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare[6];* *(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;* *(v) areas containing nationally significant examples of indigenous community types; and* *(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and* *(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:* *(i) areas of predominantly indigenous vegetation in the coastal environment;* *(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;* *(iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;* *(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;* *(v) habitats, including areas and routes, important to migratory species; and* *(vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy*	Declining'. The works required to construct the dredged access channel and mooring basin will result in the loss of some shore skink habitat. Shore skink primarily occupy the rock mounds within the dune ridges. None have been detected in the detritus zone at and above the high tide mark. Therefore, adverse effects on shore skink are unable to be completely avoided and to that extent the project is inconsistent with this policy. However, shore skink habitat is available along much of the Kawakawa Bay shoreline, and additional habitat will be recreated in the adjacent area (i.e. formation of rock mounds to create skink habitat, native planting of shrubs within dunes etc). In addition, existing habitat that will be unaffected by the Project will be enhanced by the removal of introduced weed species, the planting of appropriate coastal native species and the initiation of a pest control programme including the removal of farm livestock. A lizard management plan will also be put in place for the construction works to mitigate adverse effects. Long-tailed bats are classified as 'Threatened – Nationally Critical' and may be present within the willow tree area near Te Puni Stream (field survey results are currently being analysed). If bats are found to be present at the site, it is considered that any adverse effects will be localised and less than minor. The works in proximity to this area include the bridge to be formed across the stream to provide construction access, and commercial access once the facility is operational. Some willow trees will need to be removed to enable the bridge to be built. Appropriate native riparian species will be planted to replace any willows that have to be removed. Removal of willows along the stream margin may reduce the effective bat feeding areas to a very small extent, therefore if bats are present on the site (they have not been detected to date), adverse effects are unlikely to be able to be completely avoided i.e. less than minor adverse effects may result. Bats sometimes roost in willow trees but there has been no evidence detected by the ecologists to date of bat activity or roosting in the vicinity of the bridge site. Australasian bittern are classified as 'Threatened – Nationally Critical' however they are unlikely to be present on site as there is limited contiguous wetland habitat for them to use for foraging, and the habitat has previously been damaged by livestock. Australasian bittern were not observed or heard during the on-site walkovers; however the field survey results are currently being analysed (including data gathered from the deployment of acoustic monitoring devices). If Australasian bittern

Objective/policy	Comment
	are present on site, adverse effects are likely to be avoided in accordance with Policy 11(a)(i) as the segments of wetland to be lost do not contain permanent standing water nor vegetation suitable as bittern habitat. The segments of wetland to be lost will not sustain the range of species that the contiguous wetland to the west does. As outlined within Part VII – Terrestrial ecology and freshwater wetlands section of the Fast Track Referral Application, indirect effects on wetland fauna due to the construction and operations of the marine access facility will be managed and mitigated appropriately. Banded dotterel, which are classified as 'At Risk - Declining', were observed to be nesting near the Karakatūwhero River mouth which is well set back from the site, and none were found on the site of the proposed Marine Access Facility; therefore they are not considered to be adversely affected by the proposal. The other applicable provision within Policy 11(a) is Policy 11(a)(iii). Shingle beaches are classified as 'naturally rare'. However, the site does not include the indigenous vegetation assemblages naturally associated with this habitat type. The dune ridges mostly comprise grazed pasture grasses and weed species. Therefore, adverse effects on this habitat type will be avoided. Given there is an absence of indigenous vegetation assemblages, and native planting is proposed to enhance the dune ridges and create indigenous ecosystems and habitat, it is considered that the proposal is consistent with the policy to 'protect indigenous biodiversity'. With respect to Policy 11(b)(iii) complete avoidance of adverse effects on coastal wetlands cannot be achieved. The degraded remnant wetland areas at the elevated end of the hydrological gradient will be removed to construct the access channel and breakwaters which is why offsetting through enhancement of other wetland areas on-site is proposed. This is consistent with Policy 11(b) which provides for mitigating and remedying adverse effects. Insofar as 'significant adverse effects', the location and design of the proposed marine access facility has been specifically developed through an iterative process to avoid significant adverse effects on coastal wetlands. This is consistent with policy 11(b)(iii). Significant adverse effects have been avoided on the contiguous coastal wetland to the west by shifting the location of the proposed facility and optimising its geometry so that it does not encroach into this habitat (i.e. no encroachment of the wetland where standing water is present). An engineered solution is also proposed to enable the contiguous coastal wetland to the west, and the

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	wetland further inland (also known locally as 'airstrip wetland') to remain hydrologically intact, avoiding significant adverse effects during construction and operation of the marine access facility. The proposal also avoids significant adverse effects on habitats of indigenous species in the coastal environment, including areas and routes important to migratory species in accordance with 11(b)(iii). The field survey shows that the Te Puni Stream provides habitat for many indigenous species such as inanga and long-fin eels. Significant adverse effects are avoided on these indigenous species by the proposed marine access facility being shifted from its original location near the Te Puni Stream to as far east as possible, while still being within TRT land. The accessway will be required to cross the Te Puni Stream, however to avoid significant adverse effects it will be ensured this is bridged rather than culverted to eliminate any adverse impact on fish passage and ensure migratory routes are not adversely affected. New ecological corridors will also be created in accordance with Policy 11(b)(vi) through the enhancement works to create contiguous habitat from the upper tidal system through the gravel dune system and extending back to the floodplain area. This corridor will also be linked into the enhancement works for the Te Puni Stream. Given the above the project is inconsistent with some parts of the policy i.e. complete avoidance of adverse effects on threatened shore skink in accordance with provision 11(a)(i) is not possible, however the project is consistent with the remainder of the policy which provides for the effects hierarchy to be applied for adverse effects (i.e. avoidance, remediation or mitigation), and the avoidance of 'significant adverse effects'.
<u>*Policy 6*</u> *(1) In relation to the coastal environment;* *(e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;* *(2) Additionally, in relation to the coastal marine area:* *(a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for*	The marine access facility has a functional need to locate and operate within the Coastal Marine Area (CMA). Further, Policy 6 recognises the importance of activities of regional importance (which the marine access facility is considered to be) which have a functional need to locate in the CMA. Policy 6 requires particular regard to be given to developments on land potentially compromising these activities. The marine access facility promotes the efficient use of occupied space, by making the facility available for public use, with many recreational opportunities, as well as the commercial and employment opportunities it offers.

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renewable marine energy to contribute to meeting the energy needs of future generations; *(c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places.* *(e) promote the efficient use of occupied space, including by:* *(i) requiring that structures be made available for public or multiple use wherever reasonable and practicable;*	Given the above the project is considered to be consistent with the policy.
Policy 8 *Recognise the significant existing and potential contribution of aquaculture to the social, economic and cultural well-being of people and communities by:* *(a) including in regional policy statements and regional coastal plans provision for aquaculture activities in appropriate places in the coastal environment, recognising that relevant considerations may include:* *(i) the need for high water quality for aquaculture activities; and* *(ii) the need for land-based facilities associated with marine farming;* *(b) taking account of the social and economic benefits of aquaculture, including any available assessments of national and regional economic benefits; and* *(c) ensuring that development in the coastal environment does not make water quality unfit for aquaculture activities in areas approved for that purpose.*	Policy 8 recognises the significant contribution aquaculture can have to the social, economic and cultural well-being of people and communities, as well as the need for land-based activities associated with marine farming. The marine access facility (and associated land based facilities) will provide the access needed to enable aquaculture opportunities and the many benefits it offers. Given the above, the project is considered to be directly consistent with the policy.