

To: Expert Panel - Dr Phil Mitchell, Bal Matheson, and Robert Scott

Re: Section 53 Comments on Fast Track Application FTAA-2503-1028
Bledisloe North Wharf and Fergusson North Berth Extension

Comments From: Ngāti Whātua Ōrākei Trust, representing Ngāti Whātua Ōrākei
Attn: Phil Wihongi

Address for Service:

Date: 27 June 2025

Ko Māhuhu ki te rangi te waka
Ko Maungakiekie te maunga
Ko Waitematā Kupenga Rau te moana
Ko Ngā Oho, Te Taoū, Ko Te Uringutu ngā hapū
Ko Ngāti Whātua Ōrākei te iwi

Tēnā koutou e ngā Mema o te Poari,

Our appreciation for the invitation to provide comments under section 53 of the Fast-track Approvals Act 2024 ("FTAA" or "the act") for FTAA-2503-1028 Bledisloe North Wharf and Fergusson North Berth Extension ("the Application").

Firstly, this document sets out a contextual background to Ngāti Whātua Ōrākei as tangata whenua and tangata moana of the project area. Following this, we raise a number of matters we consider salient to your consideration of this Application. Following each of these matters, we provide comments relative to those matters within the substantive application.

1. Ngāti Whātua Ōrākei

Ngāti Whātua Ōrākei represents the collective rangatiratanga and tribal authority of the descendants of Tuperiri who established Ngāti Whātua Ōrākei mana in Tāmaki, the central Auckland Isthmus and around Waitematā Kupenga Rau from the 1740s. As such, every member of Ngāti Whātua Ōrākei can trace their whakapapa to Tuperiri and are descended from the three hapū: Te Taoū, Ngāoho, and Te Uringutu, collectively referred to as Ngāti Whātua Ōrākei. Ngāti Whātua Ōrākei have approximately 7,000 registered whānau members throughout Aotearoa and around the world. While whānau members are located throughout the motu, the vast majority reside in Tāmaki Makaurau.

Ngāti Whātua Ōrākei are the tangata whenua and tangata moana for our area of association which we know as Te Kahu Tōpuni o Tuperiri, including central Tāmaki, Waitematā Kupenga Rau and the inner Manukau. Our position enabling us to hold and extend our mana over this whenua and our moana is assured through four traditional take or causes:

- Take tupuna: enabled through enduring whakapapa connection relative to place;

- Take raupatu: enabled through the processes of conquest and subsequent occupation of territory;
- Ahi-kā: the ongoing extension of our mana and tikanga within one's rohe through demonstrated behaviours and action; and
- Tuku whenua: the granting of whenua between authorities within a framework of mana, with the expectation of return when no longer required for the purposes agreed at the time of the grant.

1.1. Te Kahu Tōpuni o Tuperiri

Te Kahu Tōpuni o Tuperiri is the name that Ngāti Whātua Ōrākei maintain for our contemporary rohe, literally the dog skin cloak of Tuperiri, with these particular garments traditionally being a true mark of a rangatira. A tribal saying expresses the importance of this landscape and the rohe of Ngāti Whātua Ōrākei to preserve and protect those who enter or reside within its warmth:

Ko Te Kāhu Pōkere ki te rangi

Ko Te Kāhu Tōpuni ki te whenua

The black hawk presides over the sky

The dog skin cloak is placed over the land



Figure 1. Map showing Te Kahu Tōpuni o Tuperiri.

Te Kahu Tōpuni o Tuperiri is the area within which the ahi-kā of Ngāti Whātua Ōrākei is maintained by ngā mata o te ao kikokiko nei, the living descendants of Tuperiri. It is within this area that Ngāti Whātua Ōrākei undertake our traditional and contemporary practices and protocols as tangata whenua and tangata moana, with a particular focus on tiaki o te taiao me te manaaki o ngā tāngata katoa. These practices are unique to this place, and as such when employed by us are entirely native and natural – to Tāmaki and to us.

1.2. Waitematā Kupenga Rau

With our rohe centred on the Tāmaki isthmus, we are tangata whenua and tangata moana of the two great harbours of Tāmaki: Waitematā Kupenga Rau and inner Manukau. It is however at Waitematā Kupenga Rau that our strongest affiliations and affections lay. Our people have lived at the edge of Waitematā Kupenga Rau since the mid-18th century and traditionally thrived off the bounty provided by our moana and whenua. Our unbroken occupation of this area continues today and provides focus for our mana whenua and our mana moana.

A demonstration of our strong commitment to this taonga is our tribal claim for customary marine title over Waitematā Kupenga Rau under the Marine and Coastal Area (Takutai Moana) Act 2011, which includes the Application area.

The current appalling state of the mauri, the health and wellbeing of Waitematā Kupenga Rau can be entirely attributed to the impacts of anthropogenic activity, both terrestrial and maritime.

It is our firm belief and a cornerstone of our kaitiaki role that primary rights relating to the Waitematā Kupenga Rau belong to Waitematā Kupenga Rau itself. First and foremost, the right of Waitematā Kupenga Rau to exist in and of itself without further intrusion from unnecessary development or continued occupation without clear significant public good, significant environmental benefit or preferably both.

1.3. Te Tōangaroa

Te Tōangaroa (formerly known as Quay Park) translates as “the long dragging of waka”. This area was the centre of early Māori commerce, where fleets of waka from around the motu brought their produce to sell to settlers of the nascent settlement of Auckland, at all times under the mana of our rangatira of those times. Between 1877 and 1923, the Auckland Harbour Board progressively reclaimed Te Tōangaroa from the original shoreline at Beach Road to become the contemporary POAL estate, also ‘reclaiming’ the bays to the west. Today, Te Tōangaroa sits adjacent to the Application site and represents our single largest commercial asset, managed by our commercial development arm, Ngāti Whātua Ōrākei Whai Rawa.

We are currently collaborating with Te Kaunihera o Tāmaki Makaurau (“Te Kaunihera”) to establish our contemporary Te Tōangaroa estate as the world’s first Tangata Whenua Urban Precinct. As part of the POAL estate, the Application site is immediately adjacent to Te Tōangaroa and our aspirations for this area.

We have developed a Masterplan for Te Tōangaroa and the surrounding area, a tribal vision that both protects and enhances the value of the area, the environment and the asset,

while celebrating the rich heritage of Te Tōangaroa. This Masterplan is a living document, underpinned by our tribal values, long-term objectives, and feedback from our whānau. The Application site is located within this Masterplan.



Figure 2: Te Tōangaroa Masterplan

2. Relationship with the Applicant

Ngāti Whātua Ōrākei acknowledges the operational function and investment of Ports of Auckland Limited ("POAL") as a critical component of local, regional, and national transport and logistics infrastructure. The Port has a longstanding function as a key facilitator of the movement of goods and people, enabling economic activity and connectivity across the motu and out into the world. Its location within Waitematā Kupenga Rau brings with it both significant opportunities and responsibilities for POAL.

Ngāti Whātua Ōrākei and POAL share an active and evolving relationship. While this letter addresses a specific proposal under the FTAA, it is important to recognise the broader context in which our relationship sits, one that involves both ongoing challenges and shared aspirations for a functional, efficient, profitable and responsible Port and for Waitematā Kupenga Rau itself. Ngāti Whātua Ōrākei remains committed to working collaboratively and in good faith with POAL toward a more constructive and enduring partnership.

In particular, we note the established operational relationship between Ngāti Whātua Ōrākei Whai Māia (our cultural, social and environmental development arm) and the POAL environmental team, through which we continue to engage on a range of operational

matters relating to environmental performance and kaitiakitanga within the POAL estate and Waitematā Kupenga Rau more broadly.

3. Development and Occupation of Waitematā Kupenga Rau

The removal of Ngāti Whātua Ōrākei from resource management matters for the majority of the twentieth century has meant that our voice was absent and therefore ignored in the decisions enabling legacy developments that continue to impact on our rohe today. This includes the development and occupation of the bed of Waitematā Kupenga Rau to create the contemporary Port estate. This exclusion of our mana effectively since the 1850's has resulted in actions that in our view have led directly to ongoing degradation of the mauri of Waitematā Kupenga Rau.

There are currently a number of coastal permits that enable occupation within Waitematā Kupenga Rau. We are actively submitting on the renewal of these through Te Kaunihera processes as they expire. The most significant of these permits is held by POAL, covering an area from Te Oka in the west to Te Tōangaroa in the east, as shown in **Figure 3** below. This occupation was authorised by the Minister of Transport on 28 July 1994 and is due to expire on 30 September 2026. We understand that the proposed Resource Management (Freshwater and Other Matters) Amendment Bill seeks to extend the expiry date of this coastal permit to 30 September 2046. **Error! Reference source not found.**

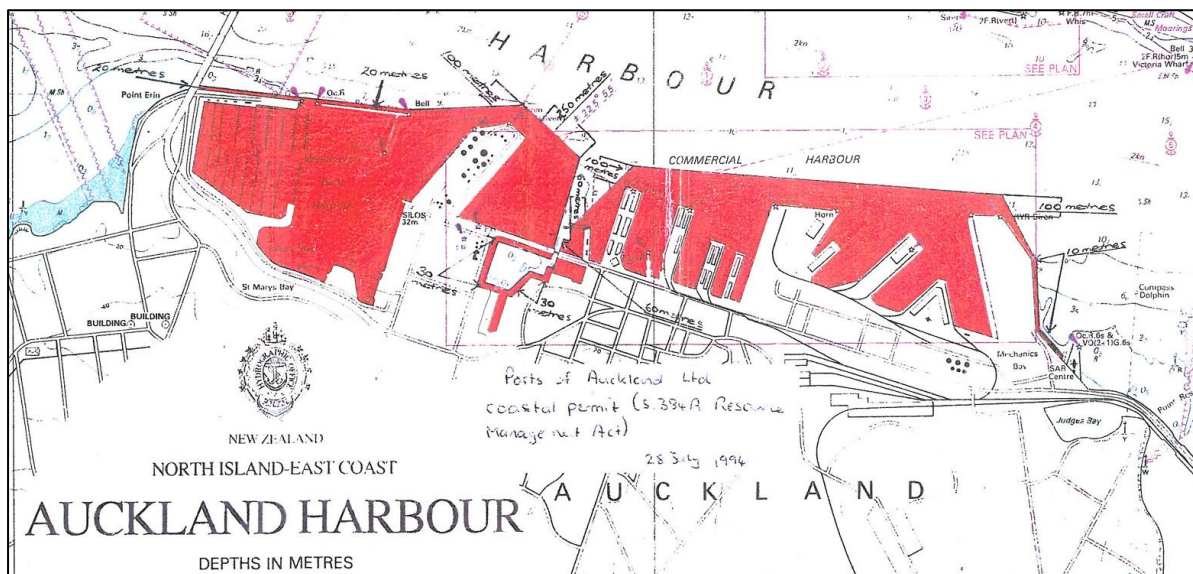


Figure 3: Ports of Auckland Limited section 384A Coastal Permit

4. Substantive Application FTAA-2502-1028

The Application seeks consent to develop a wharf extension to the northern end of the Bledisloe Terminal and extend the length of the Fergusson North Berth. These works are sought to assist in a reconfiguration of activities and to accommodate larger cruise and container ships, which we understand to be the focus of the global Cruise and Container fleets and industry. These activities involve occupation and development within the coastal marine area, earthworks, discharge, high-risk industrial and trade activities ("ITA"), disturbance

of contaminated soils, maritime services, and passenger services. Approvals typically applied for under the Resource Management Act 1991 ("RMA") and Wildlife Approval Act 1953 are sought under the FTAA.

Our understanding of this proposal is based on:

- Intimate and ongoing association and experience of Waitematā Kupenga Rau over the last 200 years in the execution of our tangata whenua and tangata moana role and responsibilities;
- Hui with POAL at both governance and operational levels; and
- The material uploaded by the Environmental Protection Authority to the Bledisloe North Wharf and Fergusson North Berth Extension Fast-track Webpage¹.

5. Ngāti Whātua Ōrākei Comments on the Application

5.1. Occupation of Waitematā Kupenga Rau

It is for the reasons set out in Section 1.2 that we maintain our position that any new development or continued occupation within Waitematā Kupenga Rau, must provide a significant public good, significant environmental benefit or preferably both. Stemming from this is our desire for declamation of areas currently occupied by development which does not provide a significant public good, significant environmental benefit or preferably both.

In regard to this application, while we recognise the significant economic and supply chain benefits the proposed extensions are anticipated to support, we do not consider there to be a demonstrable significant environmental benefit resulting from the proposal. At paragraph 1.6 of the application's Substantive Application Report prepared by Bentley & Co it is stated that:

"The Project will deliver significant economic, operational, and environmental benefits."

It is unclear what significant environmental benefits are being referred to in this statement. It is assumed the reference relates to the mentioned reduction in fuel consumption and emissions arising from reduced congestion and the accommodation of larger multi-cargo and cruise vessels. However, no quantification or specific details have been provided to substantiate this benefit.

Our comments with regard to the above matters are:

- The application should only be granted where it demonstrably provides a significant public benefit, significant environmental benefit, or preferably both;
- The significant environmental benefits claimed within the application be clearly articulated, with supporting detail that demonstrates how and where such benefits will be delivered and maintained for the full duration of the consent;
- Further environmental benefits should be incorporated into the application in order to warrant development and occupation within Waitematā Kupenga Rau, with these to

¹ <https://www.fasttrack.govt.nz/projects/bledisloe-north-wharf-and-fergusson-north-berth-extension>

occur within the development site or within the vicinity of the proposed development. Further comments on this matter are provided in Section 5.3 below; and

- Options to enhance the public benefit of the proposal should be actively pursued. This could include opportunities to improve public access and to strengthen the value of the transfer of Captain Cook and Marsden Wharves to Te Kaunihera. Further comments on this matter are provided in Section 5.5 below.

5.2. Recognition of Tangata Whenua

As a general overarching comment, our position is that only “appropriate” and correct iwi and hapū must be considered, consulted and involved in approval processes that relate to occupation and development within Waitematā Kupenga Rau. Ngāti Whātua Ōrākei therefore seeks that our engagement and input take precedence over any other iwi authorities who may claim association within our tribal rohe. At Section 1 of this letter we suggest a means for assessing the strength of association to Tāmaki, including the proposed development site that might be useful for the Panel in their considerations.

Ngāti Whātua Ōrākei exercises its tangata whenua and tangata moana status most strongly within our ‘heartland’ of our rohe (as shown in **Figure 4** below). The High Court has issued a declaration that Ngāti Whātua Ōrākei has ahi-kā and mana whenua within this area (see *Ngāti Whātua Ōrākei Trust v Attorney-General* (No.5) [2023] NZHC 74 at [8]):

“Ngāti Whātua Ōrākei currently have ahi-kā and mana whenua in relation to the area identified in Map 1 of the substantive judgment of 28 April 2022 in central Tāmaki Makaurau, with all the obligations at tikanga that go with that, according to the tikanga and historical tribal narrative and tradition of Ngāti Whātua Ōrākei.”

Allowing any iwi and hapū to participate in engagement and decision making on any FTAA application, without considering whether they are the appropriate hapū and iwi to do so facilitates further claims upon territories and resources within the rohe of tangata whenua (as Ngāti Whātua Ōrākei has historically experienced in Local Government Act and Resource Management Act processes). This is not just an issue for Ngāti Whātua Ōrākei, but for many iwi and hapū throughout Tāmaki Makaurau and Aotearoa within their respective areas of ahi-kā.

Ngāti Whātua Ōrākei remain frustrated by the persistent lack of direction being displayed by decision makers in this space. Too often Ngāti Whātua Ōrākei are incorrectly grouped with other iwi and hapū in engagement on projects. Regularly, various iwi and hapū have been erroneously involved in engagement for projects within our rohe. At other times, Ngāti Whātua Ōrākei has been consulted on projects within parts of wider Tāmaki Makaurau outside of our rohe where we naturally defer to those iwi and hapū who hold ahi-kā status there.

Such inefficiencies have led to instances of the “appropriate” iwi and hapū not being involved at all, or their feedback being lost or detracted from throughout the process. Not only do these actions fail to acknowledge our status as tangata whenua in central Tāmaki but enabling up to more than 30 iwi / hapū representatives to comment of the application results in substantial inefficiencies.

Our comments with regard to the above matters are:

- That ahi-kā and tangata whenua status of Ngāti Whātua Ōrākei within the 'heartland' of our rohe is recognised and elevated within the decision-making processes of this application. We suggest a suitable framework for assessing the strength of association include the four Take defined in section 1 of this letter;
- That only "appropriate" and correct iwi and hapū are considered to be relevant iwi authorities under section 53(2)(b); and
- That the ahi-kā and tangata whenua status of Ngāti Whātua Ōrākei within the 'heartland' of our rohe is recognised and appropriately provided for in all future processes relating to the renewal of consents, or the progression of new development within the area covered by this application. This includes, but is not limited to, any opportunities for cultural expression, inscription, or leasing, as well as engagement on the detailed design of the cruise passenger terminal and the incorporation of cultural narratives within the Ports precinct.

Te Puru o Tāmaki



Figure 4 Te Puru o Tāmaki: 'heartland' of Ngāti Whātua Ōrākei rohe

5.3. Environmental Processes

Ngāti Whātua Ōrākei seeks to ensure that all development activities within Te Kahu Tōpuni o Tuperiri are environmentally regenerative and reflect our roles as kaitiaki, tangata moana

and tangata whenua. In the mātauranga accorded of Ngāti Whātua, Waitematā Kupenga Rau is a living entity, possessing mauri and mana, and therefore must be treated with an appropriate degree of respect and care at all times. The health and wellbeing of Waitematā Kupenga Rau, including restoration and regeneration, must be prioritised and provided for in all proposals for development or occupation within its reach.

Further to the above, Ngāti Whātua Ōrākei considers that the effects of activities within Waitematā Kupenga Rau are not confined to their immediate footprint. The harbour is a single, interconnected entity, and effects on one part must be understood in the context of the whole. We consider that this perspective is consistent with both our tikanga and the biophysical processes of the harbour.

It is from these foundational positions, and for the reasons set out in Section 1.2 above, that we make the following comments:

- When making a decision on the proposal the Panel must consider Waitematā Kupenga Rau as a single cohesive Wai, and as such should not consider the not solely the Application footprint in isolation;
- From a review of the provided documentation, it is not clear what the cumulative effects of increased vessel size and frequency within Waitematā Kupenga Rau will be. These effects must be further assessed in order to make a well-informed and responsible decision on the Proposal;
- All new development within Waitematā Kupenga Rau should demonstrate a net environmental benefit. This must go beyond incidental or passive gains and include clear actions to improve water quality, restore ecological function, and support the recovery of biodiversity and native habitats. We expect the proposal to be amended to identify and secure such outcomes;
- Where mitigation of effects cannot be achieved within the development site, we would anticipate environmental offsetting and improvement for a project of this nature and scale. Offset and improvement actions we consider appropriate include but are not limited to:
 - Reinstatement or creation of subtidal and intertidal habitats using suitably stabilised and repurposed dredged material;
 - Implementation of nature-based infrastructure;
 - Contributions to targeted ecological restoration programmes within Waitematā Kupenga Rau, such as within the original Taurarua/Judges Bay area.
- While we acknowledge there is proposed offsetting in relation to the rock revetment, our expectation is that offsetting must address the full suite of adverse effects arising from the Application and not only be applied where a positive environment is being degraded but additionally to improve the mauri of Waitematā Kupenga Rau; and
- We acknowledge the physical constraints imposed by the proposed port operations for the development site, which might limit in situ restoration opportunities. However,

this does not remove the responsibility to invest in environmental enhancement on site. It is considered there are a number of potential underutilised areas within the Port estate where restoration could be implemented. We anticipate working with POAL on identifying and implementing any such initiatives.

5.4. Management Plans

Ngāti Whātua Ōrākei considers the review and preparation of management plans to be a critical means by which we can give effect to our kaitiaki roles. This involvement is an important avenue for the incorporation of appropriate cultural practices and mātauranga Ōrākei which can support the applicant in achieving responsive and responsible environmental and cultural outcomes of mana.

We note that POAL proposes to manage stormwater discharges through a Best Practicable Option regime consistent with the existing framework that applies to the existing High Risk ITA Permit. The proposed ITA approval sought under this application mirrors the conditions of POAL's existing permit, including the preparation of an updated Environmental Management Plan: Stormwater, annual reporting on its performance, and a requirement for periodic review.

Our comments with regard to the above matters are:

- We anticipate our involvement in preparing final management plans (including a long-term monitoring programme for the site), particularly with the above-described stormwater and with traffic management, for the reasons outlined in Section 5.7 below; and
- We also anticipate being involved in the review of these management plans, with reviews happening every three years.

5.5. Transition of Captain Cook and Marsden Wharves to Te Kaunihera

It is understood that the proposed works are intended to facilitate the transfer of Captain Cook and Marsden Wharves to Te Kaunihera. Ngāti Whātua Ōrākei supports the return of these assets to public ownership and use. However, it is essential that the transition does not result in the transfer of degraded or under-maintained assets, nor the perpetuation of legacy issues arising from historic port operations.

Our comments with regard to the above matters are:

- Appropriate maintenance, structural remediation, and environmental upgrades should be undertaken to both wharves prior to their transfer to Te Kaunihera, ensuring they are suitable for future public use; and
- A transition plan should be prepared, which outlines the stewardship responsibilities and resourcing commitments, with the involvement of Ngāti Whātua Ōrākei at each stage.

5.6. Traffic

As discussed in Section 1.3, Ngāti Whātua Ōrākei holds a significant landholding and has developed a masterplan for the wider Te Tōangaroa area. The proposed location of the new

cruise passenger terminal places it in close proximity to this landholding and within the footprint of the masterplan area. The POAL's Transportation Assessment estimates that for cruise ships with a capacity of up to 4,905 passengers, approximately 3,800 passengers will undertake a day trip during transit calls, with an estimated 4,750 passengers disembarking and 4,350 embarking during passenger exchanges.

The relocation and increase in cruise ship passenger movements present an opportunity to support the realisation of our vision for Te Tōangaroa and for Tāmaki, and to establish a culturally resonant gateway to Tāmaki Makaurau for visitors through the integration of Ngāti Whātua Ōrākei narratives, expression and inscription, contributing meaningfully to POAL's efforts to deliver a distinctive visitor experience. However, these movements may also give rise to effects that will require appropriate and proactive management.

To our minds this presents a significant opportunity for Ngāti Whātua Ōrākei and POAL to work together to ensure that a design is responsive to the aspirations and needs of both entities and that will benefit Tāmaki Makaurau.

Our comments with regard to the above matters are:

- We anticipate that POAL will continue to progress our working relationship through the detailed design of cruise passenger transport and circulation, realising mutually beneficial opportunities that support the development which supports a vibrant tangata whenua precinct and a distinctive visitor experience for passengers;
- That the assessment and management of transportation effects associated with the cruise terminal must give appropriate regard to our aspirations of Te Tōangaroa;
- Investment into the surrounding pedestrian, cycling, and roading network should be provided by POAL to accommodate the increased movements; and
- Ngāti Whātua Ōrākei should be actively involved in the finalisation of transport-related management plans, as outlined in Section 5.5, to ensure alignment with our aspirations for Te Tōangaroa and our role as kaitiaki for this area.

5.7. Consent Durations

It is our position of that the provision of 35-year consent durations reflects an arbitrary and outdated convention. Given our aspirations for our tiaki of Waitematā Kupenga Rau, we consider that such a term is excessive and limits our ability to exercise our kaitiaki responsibilities. We consider that a consent duration of ten years is more appropriate, particularly in the context of rapidly evolving environmental conditions and climate change. A 10-year term provides sufficient certainty for operational continuity and investment planning, while enabling appropriate intervals for reassessment, adaptation, and the incorporation of improved practices.

Our comments with regard to the above matters are:

- That a reduced consent duration of 10 years be applied to all coastal and discharge permits sought under this application. We are open to discussions concerning this matter with the Applicant.

6. Conclusions

Ngāti Whātua Ōrākei appreciates the opportunity to provide these comments to the Expert Panel in relation to Fast-track Application FTAA-2503-1028. As set out in this letter, our position is grounded in our enduring status as tangata whenua and tangata moana for Te Kahu Tōpuni o Tuperiri and our responsibilities as kaitiaki for Waitematā Kupenga Rau.

In summary, the key matters raised in our comments are as follows:

- POAL continue to work with Ngāti Whātua Ōrākei in the development of a relationship of mana which acknowledges the important local, regional and national role of the port, the critical adjacency of our Te Tōangaroa estate, and our role and responsibilities as tangata whenua and tangata moana for Waitematā Kupenga Rau, including the POAL estate;
- Development and occupation within Waitematā Kupenga Rau must provide significant public benefit, environmental benefit, or preferably both;
- Where significant environmental benefits are stated, these should be clearly set out and supported with relevant information;
- Opportunities to further improve environmental and public benefit should be further explored with Ngāti Whātua Ōrākei;
- That ahi-kā and tangata whenua status of Ngāti Whātua Ōrākei within the 'heartland' of our rohe is recognised and provided for in the decision making of this application;
- That only "appropriate" and correct iwi and hapū are consulted and involved in approval processes, we consider the four Take defined in Section 1 of this letter to be an appropriate framework to identify this;
- That ahi-kā and tangata whenua status of Ngāti Whātua Ōrākei within the 'heartland' of our rohe is recognised and provided for in all future processes of renewals or new development (including opportunities for cultural inscription/leasing/etc.) within the area covered by this approval should it be renewed;
- All development within Waitematā Kupenga Rau should deliver net environmental gain and demonstrably assist in the regeneration of the mauri of this Wai and its natural systems;
- Final Management plans (including long-term environmental monitoring of the site) should be developed and reviewed in partnership with Ngāti Whātua Ōrākei,;
- Captain Cook and Marsden Wharves should be fit-for-purpose prior to their transfer to Te Kaunihera; and
- Consent durations should be reduced to 10-year terms.

Ngāti Whātua Ōrākei looks forward to continuing our collaborative approach with POAL and Panel and is happy to meet with the parties to discuss these comments further if required.

Ngā mihi



Phil Wihongi
Pou Tūhono: Whai Maia
Ngāti Whātua Ōrākei