

BEFORE THE PANEL CONVENER FTAA-2512-1163

UNDER THE FAST TRACK APPROVALS ACT 2024
 (“ACT”)

IN THE MATTER OF A SUBSTANTIVE APPLICATION BY THE
 PORT OF TAURANGA LIMITED, FOR
 RESOURCE CONSENT AND A WILDLIFE
 APPROVAL ASSOCIATED WITH THE
 STELLA PASSAGE DEVELOPMENT
 PROJECT LISTED IN SCHEDULE 2 OF
 THE FTAA FAST-TRACK APPROVALS
 ACT 2024 - FTAA-2512-1163

SUBMISSION OF

TE TĀWHARAU O NGĀTI PŪKENGĀ TRUST

AND

NGĀTI PŪKENGĀ IWI KI TAURANGA TRUST

IN RESPONSE TO EXPERT PANEL MINUTE 5

Manu Caddie & Rahera Ohia

5 June 2026

PART I – INTRODUCTION

This submission is provided jointly by Te Tāwharau o Ngāti Pūkenga Trust and Ngāti Pūkenga Iwi ki Tauranga Trust (together, “Ngāti Pūkenga”) in response to Minute 5 of the Expert Panel dated 22 May 2026.

This submission responds specifically to paragraphs [3], [4], [8] and [9] of Minute 5 and should be read alongside the original Ngāti Pūkenga submission and supporting cultural material previously filed.

Ngāti Pūkenga appreciates the Panel’s recognition that cumulative cultural effects are a central issue in this application and welcomes the opportunity to provide further clarification.

PART II – RESPONSE TO PARAGRAPH [3]: TREATY SETTLEMENTS AND SECTION 7

Ngāti Pūkenga does not agree that the Applicant’s legal submissions fully resolve the issues arising under section 7 of the Fast-track Approvals Act.

Section 7 requires persons exercising powers under the Act, other than those exercising judicial functions, to act in a manner consistent with obligations arising under existing Treaty settlements. The issue is therefore not whether the Ngāti Pūkenga settlement creates a veto over development proposals. It does not. Nor is the issue whether every adverse environmental effect automatically gives rise to a breach of section 7.

Rather, the issue is whether the assessment and decision-making framework properly recognises and gives effect to the interests, relationships and redress acknowledged through the settlement.

The Ngāti Pūkenga settlement records Crown acknowledgements that:

- Ngāti Pūkenga were deprived of access to natural resources and opportunities for development within Tauranga Moana;
- Crown actions prevented Ngāti Pūkenga from exercising mana and rangatiratanga over lands and resources;
- Ngāti Pūkenga were marginalised within Tauranga Moana;
- environmental degradation of Tauranga Moana, including impacts on the Waitao catchment and Rangataua arm of the harbour, has caused enduring harm and distress to Ngāti Pūkenga.

Of particular significance, Parliament expressly preserved matters relating to the management, governance, degradation, health, wellbeing, rangatiratanga and kaitiakitanga of Tauranga Moana from the scope of settled historical claims. This reflects recognition that Tauranga Moana remains a living and ongoing matter of concern rather than a historical issue that has been finally resolved.

Ngāti Pūkenga submits that these acknowledgements form an important part of the context in which section 7 must be interpreted.

The cumulative cultural effects discussed below are not abstract concerns. They relate directly to the relationship between Ngāti Pūkenga and Tauranga Moana that the settlement seeks to recognise and restore.

While Ngāti Pūkenga does not contend that granting the application would automatically constitute a breach of the settlement legislation, it is submitted that any assessment under section 7 must carefully consider whether allowing further cumulative degradation of Tauranga Moana, while providing limited recognition of tangata whenua authority in environmental decision-making, is consistent with the purpose and intent of the settlement arrangements.

Ngāti Pūkenga notes that section 7 raises issues of statutory interpretation extending beyond the scope of this cultural response. While Ngāti Pūkenga's position is that the Applicant's analysis is incomplete, Ngāti Pūkenga reserves the right to file supplementary legal submissions through counsel should the Panel consider further assistance on these matters would be useful.

PART III – RESPONSE TO PARAGRAPH 4(A)(I): CUMULATIVE CULTURAL EFFECTS

A. Applicant's Distillation

Ngāti Pūkenga acknowledges the Applicant's attempt to summarise the cumulative cultural concerns raised by tangata whenua participants. However, Ngāti Pūkenga does not consider that the Applicant's summary fully captures either the nature or significance of the cumulative cultural effects identified in submissions.

The Applicant's summary appears to treat cumulative cultural effects primarily as the accumulation of individual environmental effects over time. While environmental effects are undoubtedly relevant, Ngāti Pūkenga's concerns are broader.

The cumulative cultural effects arise from the progressive transformation of Tauranga Moana through successive reclamations, dredging campaigns, berth extensions, shipping intensification, industrial development and associated harbour modification over many decades.

The concern is not simply whether the direct effects of the Stella Passage proposal are, in isolation, minor, temporary or manageable. The concern is that each successive project contributes incrementally to a broader trajectory of ecological simplification, industrialisation and cultural displacement.

From a Ngāti Pūkenga perspective, cumulative cultural effects are experienced not as separate projects but as a continuing reduction in the ability of tangata whenua to maintain relationships with ancestral waters, customary resources, wāhi tapu, ecological communities and cultural responsibilities.

The Applicant's distillation does not adequately reflect this broader cultural reality.

B. Alternative Description of Adverse Cumulative Cultural Effects

Ngāti Pūkenga considers that the principal cumulative cultural effects of allowing the proposal include the following:

Progressive degradation of mauri – The cumulative reduction in the vitality, integrity and wellbeing of Tauranga Moana arising from repeated physical modification of the harbour environment.

Progressive loss of ecological integrity – The cumulative effects of habitat alteration, sediment disturbance, reclamation, industrialisation, increased vessel activity and ecological fragmentation on the functioning and resilience of the harbour ecosystem.

Incremental industrialisation of ancestral waters – The gradual conversion of culturally significant coastal and harbour environments into increasingly industrial landscapes.

Reduction in customary abundance and access – The cumulative impacts on fisheries, shellfish beds, bird habitats, customary harvesting opportunities and the exercise of cultural practices.

Erosion of intergenerational relationships – The cumulative effect of ecological decline and reduced customary engagement opportunities on the transmission of mātauranga, tikanga and kaitiakitanga responsibilities to future generations.

Diminishment of rangatiratanga – The cumulative effect of repeated decisions affecting Tauranga Moana in which tangata whenua participate primarily as consultees rather than as partners with meaningful influence over environmental outcomes.

C. Degraded Baselines and Cumulative Assessment

Ngāti Pūkenga remains concerned that the existing state of Tauranga Harbour is being treated as the environmental baseline against which effects are assessed. The harbour is not an untouched receiving environment. It is a receiving environment that has already experienced decades of reclamation, dredging, berth expansion, channel modification and industrial development.

Accordingly, the continued presence of ecological values does not demonstrate the absence of cumulative effects. Rather, the relevant question is whether further modification contributes to restoration and enhancement of Tauranga Moana or contributes to further departure from the ecological and cultural condition that tangata whenua seek to protect and restore.

Ngāti Pūkenga submits that cumulative effects assessment should explicitly recognise the role that historical and existing harbour modifications play in shaping present-day environmental conditions.

PART IV – RESPONSE TO PARAGRAPH 4(A)(II): POSITIVE EFFECTS

Ngāti Pūkenga acknowledges that the proposal may generate positive effects, including:

- economic benefits associated with trade and freight movement;
- employment opportunities;

- increased port efficiency;
- opportunities for tangata whenua participation in monitoring, restoration and governance initiatives associated with the project;
- potential funding and resourcing for environmental restoration activities.

Ngāti Pūkenga does not dispute that these benefits may exist. However, the existence of economic or operational benefits does not remove the need to appropriately identify, assess and address cumulative cultural effects. Nor do such benefits necessarily accrue to those who bear the environmental and cultural costs of harbour modification, especially when the funding and resourcing for meaningful environmental restoration has not been secured.

PART V – RESPONSE TO PARAGRAPH [8]: SPDAG

Ngāti Pūkenga’s concern is not the existence of a forum for engagement. The concern is whether the proposed mechanism is capable of meaningfully addressing cumulative cultural effects.

As currently proposed, SPDAG appears to function primarily as an advisory mechanism. The key concern is that tangata whenua may be represented within the process without possessing meaningful influence over environmental outcomes.

Ngāti Pūkenga considers that the following matters require strengthening:

- tangata whenua should determine their own representation;
- independent technical advice should be available to tangata whenua participants;
- SPDAG should have a formal role in recommending mitigation, remediation, offsetting and restoration priorities;

- adaptive management responses should be capable of being triggered by cultural and ecological concerns identified by tangata whenua;
- monitoring programmes should include cultural indicators alongside biophysical indicators;
- reporting should be transparent and independently reviewed.

Alternative Mechanisms

Ngāti Pūkenga is not aware of a single alternative mechanism that currently has the support of all tangata whenua participants. However, any mechanism intended to address cumulative cultural effects should have the following characteristics:

- genuine tangata whenua influence over outcomes;
- long-term harbour-wide focus rather than project-specific focus;
- integration of mātauranga Māori and western science;
- independent ecological and cultural monitoring;
- restoration objectives linked to measurable ecological outcomes;
- sufficient resourcing to enable effective tangata whenua participation.

The critical issue is not the name of the mechanism but whether it possesses sufficient authority and accountability to influence environmental outcomes.

PART VI – RESPONSE TO PARAGRAPH [9]

Ngāti Pūkenga supports any process that assists the Panel to better understand the scale and significance of cumulative cultural effects.

In particular, Ngāti Pūkenga considers that direct engagement with tangata whenua perspectives regarding the historical transformation of Tauranga

Moana, the cumulative effects of successive harbour developments, and the relationship between ecological decline and cultural wellbeing would assist the Panel's assessment.

The cumulative cultural effects identified by tangata whenua cannot always be adequately understood through technical reports alone.

PART VII – CONCLUSION

Ngāti Pūkenga's principal concern remains that the proposal is being assessed primarily as an individual project rather than as part of a long-term pattern of harbour modification. The cumulative cultural effects arise not only from the direct effects of the Stella Passage proposal but from its contribution to the continuing industrialisation and ecological transformation of Tauranga Moana.

Ngāti Pūkenga therefore submits that the Panel's assessment should explicitly consider:

- the interaction between the proposal and historical harbour modification;
- cumulative effects arising from successive reclamation, dredging, berth expansion and industrial activities;
- the implications of those effects for mauri, ecological integrity, customary relationships and kaitiakitanga;
- the context provided by the Ngāti Pūkenga Treaty settlement and associated Crown acknowledgements.

Only by considering those matters together can the cumulative cultural effects of the proposal be properly understood and assessed.

Filed by:

Te Tāwharau o Ngāti Pūkenga Trust and
Ngāti Pūkenga Iwi ki Tauranga Trust

Date: 5 June 2026

A handwritten signature in black ink, consisting of several vertical strokes and a horizontal crossbar, followed by a small dot.

Authorised signatory