

Fast-track Approvals Act 2024 – Treaty settlements and other obligations (Section 18) report

Project Name: FTAA-2509-1101 POTL – Stella Passage Development

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	25 November 2025

Number of attachments: 10	Attachments: <ol style="list-style-type: none"> Provisions of section 18 of the Fast-track Approvals Act 2024 Project location map List of relevant Māori groups Consultation provisions in the Waitaha Conservation Protocol Excerpt from Tauranga Moana Iwi Collective deed (legislative matters schedule) regarding Tauranga Moana Framework Waitaha coastal statutory acknowledgement provisions Ngāi Te Rangi/Ngā Potiki coastal statutory acknowledgement provisions Map of Te Maunga o Mauao Mātaitai Reserve Comments received from invited Māori groups Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations: Te Arawhiti
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Ministry for the Environment contacts:

Position	Name	Cell phone	1 st contact
Principal Author	Stephen Church		
Manager, Fast-track Operations	Stephanie Frame	s 9(2)(a)	✓
General Manager	Ilana Miller	s 9(2)(a)	

Key points

- The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the FTAA-2509-1101 POTL – Stella Passage Development referral application.
- The applicant, Ports of Tauranga Limited (POTL), is proposing the extension of the Sulphur Point and Mount Maunganui wharves at the Port of Tauranga, dredging the bed of Stella Passage in Tauranga Harbour, and installation and use of four new cranes on the Sulphur Point wharves. The approvals being sought are under the Resource Management Act 1991 (RMA) and the Wildlife Act 1953. The project will primarily be undertaken in the marine and coastal area.

3. Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. There are a significant number of groups relevant to the project area, including applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), which we have listed at **Attachment 3**.
4. There are three Treaty settlement Acts (Waitaha Claims Settlement Act 2013, Ngāti Pūkenga Claims Settlement Act 2017, Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025), a signed deed of settlement (Ngāi Te Rangi and Ngā Potiki), and signed collective redress deed (Tauranga Moana Iwi Collective) relevant to the project area. Some of these settlements include Crown acknowledgements that specifically refer to the environmental and cultural impact of the development of the Port of Tauranga.
5. The Waitaha Claims Settlement Act 2013 includes a conservation protocol that provides for general principles to be followed by the Department of Conservation (DOC) when consulting Waitaha. While you have partially met the obligations of this protocol by inviting Waitaha to comment on the referral application, these provisions are more relevant to a panel considering a substantive application, as the decision-maker on the Wildlife Act 1953 approval. Conservation relationship agreements with other relevant Treaty settlement entities are less specific or are subject to enactment of the Tauranga Moana Iwi Collective redress legislation.
6. The Tauranga Moana Framework, provided for in the Tauranga Moana Iwi Collective deed, includes several procedural arrangements regarding resource consent applications – such as information sharing, the appointment of hearing commissioners, and having regard to the Ngā Tai ki Mauao framework document. Again, these provisions are more relevant for a panel considering a substantive application and, importantly, the collective redress legislation has yet to be enacted. Nevertheless, in accordance with section 7 of the Act, it may be appropriate for the panel to consider how it might act consistently with the intent of the Tauranga Moana Framework redress, as set out in the signed collective deed.
7. Similarly, should you accept this application for referral, a panel may also want to consider whether statutory acknowledgements (for Waitaha and Ngāi Te Rangi/Ngā Potiki) over the nearby coast, and customary fishing rights provided for under the Fisheries Act 1996 within the project area, may be affected by the approvals being sought by the applicant.
8. You received comments on the application from Tauranga Moana Iwi Customary Fisheries Trust, Ngā Tai ki Mauao hapū collective, Ngāti Ranginui Fisheries Trust, Ngāti Ranginui Iwi Society Incorporated, and Ngāi Tukairangi Hapū Trust. All oppose the referral of this application. In summary, they are concerned about the adverse environmental and cultural impact of the project on the harbour, particularly in relation to kaimoana, when the ongoing effects of the applicant's current activities have not been addressed. They point to the applicant's previous compliance history, and question why the applicant is seeking approvals under the Act rather than continuing with the Environment Court process which included directions on matters such as joint environmental monitoring with tangata whenua. Ngāti Ranginui Fisheries Trust contend that the application does not meet several criteria for referral under the Act, including inadequate information to inform the decision, adverse effects on the environment, and poor compliance history.
9. In his feedback on the draft of this report, the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti recommended that environmental and cultural concerns be appropriately addressed through the panel, particularly in relation to Rangataua and other areas of iwi significance.

10. We consider the opposition of Māori groups invited to comment on the application may make it more appropriate for the proposed approvals to be considered under another Act or Acts, where there is more time for such views to be heard and considered.

Signature

A handwritten signature in black ink, appearing to read 'Ilana Miller'.

Ilana Miller
General Manager – Delivery & Operations

Introduction

11. Under section 18 of the Act, you must obtain and consider a report on Treaty settlements and other obligations for each referral application, prepared by the responsible agency (Secretary for the Environment).
12. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under MACA, and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements;
 - c. a summary of comments and further information received from invited Māori groups; and
 - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
13. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

14. The applicant, Ports of Tauranga Limited (POTL), is proposing:
 - a. dredging approximately 10.55 hectares of the bed of Stella Passage in Te Awanui/Tauranga Harbour, and maintenance dredging to retain the depth of 16 metres;
 - b. reclamation of approximately 3.58 hectares of the marine and coastal area either side of Stella Passage;
 - c. extension of the Sulphur Point and Mount Maunganui wharves at the Port of Tauranga (by 385 metres and 315 metres respectively);
 - d. reconfiguration of existing structures and development of new structures in the marine and coastal area, such as wharf piles; and
 - e. construction and use of four new cranes on the Sulphur Point wharf extensions.
15. The approvals being sought are under the RMA (including land use consent, coastal permit, reclamation consent) and the Wildlife Act 1953 (capture and relocation of kororā/little blue penguins). The project will primarily be undertaken in the coastal marine area. The applicant owns the land adjacent to the project area.
16. We have provided a location map at **Attachment 2**.

Relevant iwi authorities, Treaty settlement entities, and other Māori groups

17. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**.

Iwi authorities

18. We consider the following groups to be the relevant iwi authorities for the project area:
 - a. Ngāti Pūkenga Iwi ki Tauranga Trust, representing Ngāti Pūkenga;
 - b. Te Rūnanga o Ngāi Te Rangi Iwi Trust, representing Ngai Te Rangi;
 - c. Ngāti Ranginui Iwi Society Inc, representing Ngāti Ranginui;

- d. Ngā Pōtiki a Tamapahore Trust, representing Ngā Pōtiki; and
- e. Te Kapu o Waitaha Trust, representing Waitaha.

Treaty settlement entities

19. Under section 4(1) of the Act, “Treaty settlement entity” means any of the following:

- (a) a post-settlement governance entity (PSGE);
- (b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act;
- (c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood;
- (d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004);
- (e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).

20. We have identified the following relevant Treaty settlement entities for this project area:

- a. Te Kapu o Waitaha Trust, PSGE for Waitaha Claims Settlement Act 2013;
- b. Te Tāwharau o Ngāti Pūkenga, PSGE for Ngāti Pūkenga Claims Settlement Act 2017;
- c. Ngā Hapū o Ngāti Ranginui Settlement Trust, PSGE for Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025;
- d. Ngāti Pūkenga Iwi ki Tauranga Trust, mandated iwi organisation/iwi aquaculture organisation for Ngāti Pukenga;
- e. Te Rūnanga o Ngāi Te Rangi Iwi Trust, mandated iwi organisation/iwi aquaculture organisation for Ngai Te Rangi;
- f. Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, mandated iwi organisation/iwi aquaculture organisation for Waitaha;
- g. Ngāti Ranginui Fisheries Trust, mandated iwi organisation/iwi aquaculture organisation for Ngāti Ranginui; and
- h. Te Ohu Kaimoana.

21. A PSGE may be established ahead of finalising a deed of settlement and/or enactment of Treaty settlement legislation. The following PSGEs in this category are also relevant:

- a. Ngāi Te Rangi Settlement Trust, PSGE for Ngāi Te Rangi;
- b. Ngā Pōtiki a Tamapahore Trust, PSGE for Ngā Pōtiki; and
- c. Tauranga Moana Iwi Collective Limited Partnership, PSGE for Tauranga Moana Iwi Collective (Ngāti Pukenga, Ngū Hapū o Ngāti Ranginui, Ngāi Te Rangi).

Groups mandated to negotiate Treaty settlements

22. Apart from Ngāi Te Rangi Settlement Trust and Ngā Pōtiki a Tamapahore Trust, which have already been established as PSGEs (paragraph 21 refers), there are no other groups with recognised mandates to negotiate a Treaty settlement over an area which may include the project area.

23. Ngāi Te Rangi and Ngā Pōtiki signed a joint deed of settlement with the Crown in December 2013 (Ngā Pōtiki is a hapū of Ngāi Te Rangi), and their settlement Bill was introduced to the House in May 2016. However, we understand negotiations with the Crown are currently paused.

Takutai Moana groups and ngā hapū o Ngāti Porou

24. At the time of writing, there are no groups with court orders or agreements that recognise protected customary rights or customary marine title within the project area under MACA. In October 2021, the High Court granted five applicant groups a joint customary marine title (CMT) over nearby Te Tāhuna o Rangataua, an estuary in the eastern-most part of Tauranga Harbour.¹

25. However, the following applicant groups are seeking recognition of CMT or protected customary rights (PCR) within the project area under MACA:

- a. MAC-01-05-024/CIV-2017-485-355 – Te Whānau a Mokomoko;
- b. MAC-01-05-005 – Ngā Hapū o Matakana;
- c. MAC-01-05-006/CIV-2017-485-244 – Ngā Hapū o Ngāi Te Rangi;
- d. MAC-01-05-009 – CMT/PCR – Ngāi Tamarawaho;
- e. MAC-01-05-013/CIV-2017-485-219 – Ngāti He;
- f. MAC-01-05-015/CIV-2017-485-250 – PCR – Ngāti Pukenga;
- g. MAC-01-05-016/CIV-2017-485-294 – Ngā Hapū o Ngāti Ranginui Settlement Trust; and
- h. MAC-01-05-025 – Waaka and Holloway Whānau.

26. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through regulation or bylaws

27. The project area is within an area subject to regulations for customary food-gathering made under Part 9 of the Fisheries Act 1996. Pursuant to Regulation 9 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998, the Fisheries (Kaimoana Customary Fishing) Notice (No. 14) 2011 provides for management of customary food-gathering within an area/rohe moana by the appointed tangata kaitiaki/tiaki. The following are the tangata whenua of the rohe moana who nominate the tangata kaitiaki/tiaki, represented by Tauranga Moana Iwi Customary Fisheries Trust:

- a. Ngāi Te Rangi;
- b. Ngāti Ranginui; and
- c. Ngāti Pukenga.

28. In addition, we note that the project area lies south of Te Maunga o Mauao Mātaitai Reserve. Pursuant to Part 9 of the Fisheries Act 1996 and Regulation 22 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998, the Fisheries (Declaration of Mataitai

¹ Four of these applicant groups (Ngāti Hē, Ngāti Pūkenga, Ngāi Te Rangi, and Ngāti Ranginui) are also seeking CMT/PCR over an area encompassing the project area, as set out in paragraph 25. The remaining Ngā Pōtiki application area is outside Tauranga Harbour.

Reserve at Mt Maunganui and Part of Tauranga Harbour and Appointments of Tangata Kaitiaki/Tiaki) Notice 2008 established the mātaitai reserve and appointed tangata kaitiaki/tiaki.

Owners of identified Māori land where electricity infrastructure or land transport infrastructure is proposed

29. Section 23 of the Act provides that, in making a decision on a referral application under section 21, the Minister may determine that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:

- is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
- would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.

30. This project does not involve an activity described in section 23(1) (i.e. including both (a) and (b)) of the Act.

Iwi authorities and groups representing hapū who are party to relevant Mana Whakahono ā Rohe or joint management agreements

31. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.

32. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there are no parties to these arrangements to identify.

Any other Māori groups with relevant interests

33. We have also identified the following groups with interests in the project area:

- Ngāi Tukairangi (hapū of Ngāi Te Rangi)
- Ngāti Kuku (hapū of Ngāi Te Rangi)
- Ngāti Hē Hapū Trust (hapū of Ngāi Te Rangi)
- Ngāti Kaahu a Tamapahore;
- Ngāti Kahu (hapū of Ngāti Ranginui)
- Ngāti Tapu (hapū of Ngāi Te Rangi)
- Ngāi Tamarawaho (hapū of Ngāti Ranginui)
- Whareroa Marae (Ngāti Kuku, Ngāi Tukairangi);
- Ngā Hapu o Ngā Moutere Trust (collective of Matakana Island hapū: Ngāi Tuwhiwhia, Ngāi Tamawhariua, Ngāti Tauaiti, Te Ngare, Whānau a Tauwhao); and
- Ngā Tai ki Mauao hapū collective (comprising Ngāi Tuwhiwhia, Ngāi Tamawhariua, Te Ngare, Whānau a Tauwhao (ki Rangiwaea), Ngāti Tauaiti, Ngā Hapu o Ngā Moutere Trust, Rangiwaea Marae Trust, Ngāti Kuku, Whareroa Marae Trust, Ngāti Tapu; Ngāi Tukairangi, Ngāti Kaahu a Tamapahore; Ngā Kaitiaki o Rangataua;

Ngāti Hē; Ngāti Kahu (ki Tauranga); Te Tāwharau o Ngāti Pukenga; Te Rūnanga o Ngāti Pukenga; Ngāi Te Rangi iwi; Ngā Potiki Settlement Trust).

34. We note the applicant has identified a number of other groups for consultation not included in this report.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

35. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.
36. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:
 - a. Waitaha Claims Settlement Act 2013;
 - b. Ngāti Pūkenga Claims Settlement Act 2017;
 - c. Ngā Hapū o Ngāti Ranginui Claims Settlement Act 2025;
 - d. Ngāi Te Rangi and Ngā Potiki deed of settlement, signed December 2013; and
 - e. Tauranga Moana Iwi Collective deed (Ngāi Te Rangi, Ngāti Pukenga, Ngāti Ranginui), signed January 2015.

Relevant principles and provisions

37. Section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for each of these settlements are set out below.

Crown acknowledgements and apologies

38. The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached te Tiriti o Waitangi/the Treaty of Waitangi, to restore honour, and begin the process of healing.
39. As part of its apologies to Waitaha, Ngāti Pūkenga, the hapū of Ngāti Ranginui, Ngāi Te Rangi and Ngā Potiki, the Crown stated it looked forward to building a new relationship with these groups based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress mechanisms provided for in Treaty settlements should be viewed in the context of these intentions.
40. With specific reference to Tauranga Moana, the Crown has also acknowledged:
 - a. that Ngāti Pūkenga describe Tauranga Moana as a significant taonga, and that environmental degradation of the harbour and species within has been a source of distress for Ngāti Pūkenga;
 - b. the significance of the land, forests, harbours and waterways of Tauranga Moana as a physical and spiritual resource for Ngāi Te Rangi and Ngā Potiki;
 - c. the loss of most of their coastal lands has reduced Ngāi Te Rangi and Ngā Potiki's access to coastal urupā, kainga, food-gathering areas, and associated resources;

- d. the development of the Port of Tauranga, the disposing of sewerage and wastewater into the harbours and waterways of Tauranga Moana, and the construction of effluent ponds on Te Tahuna o Rangataua, have resulted in the environmental degradation of Tauranga Moana and reduction of biodiversity and food resources which remain a source of great distress to Ngāi Te Rangi and Ngā Potiki;
- e. the significance of the land, forests, harbours and waterways of Tauranga Moana to the hapū of Ngāti Ranginui as a physical and spiritual resource over which Ngāti Ranginui hapū acted as kaitiaki; and
- f. that the development of the Port of Tauranga, and the disposing of sewerage and wastewater into the harbours and waterways of Tauranga Moana have resulted in environmental degradation of Tauranga Moana which remains a source of great distress to the hapū of Ngāti Ranginui.

Conservation relationship redress

- 41. Relationship agreements and protocols between the Minister of Conservation/Director-General of Conservation and iwi, as provided for in Treaty settlements, may be relevant to this application where they include consultation requirements relating to conservation approvals, such as those being sought under the Wildlife Act 1953.
- 42. The Waitaha Claims Settlement Act 2013 provides for a conservation protocol. The protocol, as set out in the deed of settlement, covers the project area and provides for general principles to be followed by DOC when consulting Waitaha, including:
 - a. ensuring consultation takes place as soon as reasonably practicable;
 - b. providing Waitaha with sufficient information to make informed submissions;
 - c. ensuring that sufficient time is given for the effective participation of Waitaha; and
 - d. requiring DOC to report back to Waitaha on decision made.
- 43. We have included the relevant excerpt from the protocol at **Attachment 4**. While you have invited Waitaha to comment on this application, meeting some of the requirements set out above, our view is that these consultation obligations are more relevant for a panel when considering a substantive application, as the decision-maker on the proposed Wildlife Act 1953 approvals. Under clause 5 of schedule 3 to the Act, if a Treaty settlement Act includes procedural arrangements, the panel convener or panel must comply with those arrangements or obtain the agreement of the relevant party to adopt a modified arrangement. With regard to the Wildlife Act 1953 approval sought by the applicant, we consider the procedural requirements of the Waitaha conservation protocol are able to be complied with under the substantive process set out in the Act, if the panel invites Waitaha to comment on the application under section 53 of the Act.
- 44. The Ngāti Pūkenga deed of settlement includes provisions to agree on a conservation relationship agreement but the contents are not specified.² DOC advise that the relationship agreement has yet to be finalised, and discussions are currently focused on the Maunga Kāinga area of interest (an area surrounding Coromandel Harbour).

² The deed of settlement signed in April 2013 initially stated that a conservation relationship agreement with the Tauranga Moana Iwi Collective would be provided for through the collective deed, but the fifth deed to amend (signed in August 2017) included a commitment to a relationship agreement directly with Ngāti Pūkenga.

45. The Ngāti Ranginui deed of settlement states that a relationship agreement with the Tauranga Moana Iwi Collective will be provided for through the collective deed, including how Ngā Hapū o Ngāti Ranginui and the Director-General of Conservation will engage on conservation matters. There will be no separate conservation relationship agreement directly with Ngāti Ranginui.
46. The Tauranga Moana Iwi Collective deed includes a conservation relationship agreement, under the broader Te Kūpenga Framework with DOC. The agreement refers to engagement to be undertaken with Tauranga Moana Iwi by DOC when exercising its powers and functions, including under the Wildlife Act 1953. Apart from commitments to open communication and information sharing, there are no specific requirements regarding consultation on statutory authorisations. The relationship agreement itself has yet to be developed as the collective redress legislation has not been enacted.

Tauranga Moana Framework

47. The Tauranga Moana Iwi Collective deed provides for the Tauranga Moana Framework, which includes:
 - a. the establishment of a statutory committee called the Tauranga Moana Governance Group; and
 - b. the preparation, review, amendment and adoption of a Tauranga Moana framework document – Ngā Tai ki Mauao – which will identify the vision, objectives and desired outcomes for Tauranga Moana.
48. The purpose of the Tauranga Moana Governance Group is to provide leadership and strategic direction to restore, enhance and protect the health and wellbeing of Tauranga Moana (which includes the project area). The Group will achieve sustainable management of Tauranga Moana through the implementation of Ngā Tai ki Mauao and by providing for participation by Tauranga Moana iwi and hapū in the management of Tauranga Moana. The Group will comprise equal numbers appointed by iwi and by local authorities/Minister for the Environment.
49. The Framework includes several procedural provisions of relevance to the application:
 - a. copies of applications for resource consent for any activities referred to in sections 12, 13, 14, 15(1)(a) and (b), 15A and 15B of the RMA, in relation to waters within Tauranga Moana, must be provided to Tauranga Moana iwi and hapū within five working days of receipt by Bay of Plenty Regional Council;
 - b. at least once every two years the Bay of Plenty Regional Council and the Tauranga Moana Governance Group must jointly establish a working party to develop/review criteria and policies for procedural matters related to resource consent applications;
 - c. if a hearing is to be held under the RMA in relation to an application for a resource consent referred to in paragraph 49(a), the Bay of Plenty Regional Council must appoint at least one person from the register of hearing commissioners maintained by the Tauranga Moana Governance Group; and
 - d. until such time as Ngā Tai ki Mauao has been recognised and provided for in the preparation, review, variation or change of the Bay of Plenty regional policy statement, a consent authority must have regard to the contents of Ngā Tai ki Mauao when making a decision on a resource consent which applies to Tauranga Moana.
50. The RMA approvals included in this referral application would be subject to these provisions. Our view is that you have already met the initial obligation outlined above, by

providing copies of the application to members of the Tauranga Moana Iwi Collective in the course of inviting them to comment on the referral application. We consider the other provisions, such as the appointment of hearing commissioners and the weighting given to Ngā Tai ki Mauao, are more relevant to a panel considering a substantive application.

51. Importantly, while these provisions are contained in a signed deed of settlement, they are to be provided for through collective legislation, which has yet to be enacted.³ This means the Tauranga Moana Governance Group has yet to be established and, as far as we are aware, Ngā Tai ki Mauao has not been developed. Accordingly, the panel's obligations under clause 5 schedule 3 of the Act to comply with any relevant procedural requirements set out in a Treaty settlement Act do not apply to the Tauranga Moana Framework provisions at this time.
52. Section 82 of the Act requires that, if a Treaty settlement provides for the consideration of any document, then the panel must give the same or equivalent effect to that document in their decision-making. This would mean having regard to Ngā Tai ki Mauao in considering this application, as set out in paragraph 49(d).⁴ Again, this is not possible if Ngā Tai ki Mauao has yet to be developed.
53. Notwithstanding this, the overarching provision at section 7 of the Act requires all persons performing and exercising functions, powers, and duties to act in a manner that is consistent with the obligations arising under existing Treaty settlements (where 'Treaty settlements' includes a signed Treaty settlement deed). Should you decide to accept this referral application, a panel considering a substantive application for the project may want to consider how it might act consistently with the intent of the Tauranga Moana Framework redress, acknowledging that the settlement legislation which would bring these arrangements into force has yet to be enacted. For your information, we have provided the relevant excerpts from the Tauranga Moana Iwi Collective deed at **Attachment 5**.

Statutory acknowledgements

54. The Waitaha Claims Settlement Act 2013 and the Ngāi Te Rangi and Ngā Potiki deed of settlement both provide for statutory acknowledgements along the nearby coast, but not within Tauranga Harbour. Strictly speaking, the statutory areas subject to the statutory acknowledgements do not include the project area.
55. We do not have the technical expertise to say whether the approvals being sought by the applicant would affect the statutory areas, but this may be something for a panel to consider in the course of deliberating on a substantive application. If so, there are two features of a statutory acknowledgement which are most relevant for consent authorities when considering a resource consent for an activity within, adjacent to, or directly affecting a statutory area:
 - a. a consent authority must have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions in relation to the activity under the RMA.
 - b. a consent authority must provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as

³ The Tauranga Moana Framework provisions are included in the legislative matters schedule to the collective deed. At the time of preparing this report, the Tauranga Moana Iwi Collective Redress Bill currently before the House (awaiting second reading) does not include these provisions.

⁴ This includes any statutory planning document amended as a consequence, which in this instance would mean the Bay of Plenty regional policy statement.

would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application.

56. The holder of a statutory acknowledgment may also cite this as evidence of their association with a statutory area in any submission before a relevant consent authority, which may, in turn, take that statutory acknowledgement into account.
57. Under section 17 of the Act, you have already invited Waitaha, Ngāi Te Rangi, and Ngā Potiki to comment on this referral application. We consider the process of inviting comment (including providing information about the application) is comparable to the process under Treaty settlements and the RMA of providing those who hold statutory acknowledgements with a summary of the application. Under section 53(2)(c) of the Act, the panel must direct the EPA to invite written comments on a substantive application from any relevant Treaty settlement entities including, to avoid doubt, an entity that has an interest under a Treaty settlement (or an entity operating in a collective arrangement provided for under a Treaty settlement) within the area to which the application relates.
58. For your reference, we have included the relevant statutory acknowledgement provisions from the Waitaha Claims Settlement Act 2013, deed plan of the statutory area, and statement of association at **Attachment 6**. The Ngāi Te Rangi and Ngā Potiki statutory acknowledgement is subject to the enactment of the settlement legislation, but will include very similar provisions as this is standardised drafting across Treaty settlements. We have included the deed plan of the statutory areas and statement of association for the Ngāi Te Rangi/Ngā Potiki statutory acknowledgement at **Attachment 7**.

Maori Fisheries Act 2004

59. The Maori Fisheries Act 2004 provides a framework for the allocation and transfer of specified settlement assets to iwi, in the form of fisheries quota, and management of the remainder of those settlement assets. While Ngāti Pūkenga Iwi ki Tauranga Trust, Te Rūnanga o Ngāi Te Rangi Iwi Trust, Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, and Ngāti Ranginui Fisheries Trust hold fishing quota in the wider Quota Management Area, it is not clear whether the application will affect these interests.

Maori Commercial Aquaculture Claims Settlement Act 2004

60. The Maori Commercial Aquaculture Claims Settlement Act 2004 provides for the settlement of Māori claims to commercial aquaculture through the allocation and management of aquaculture settlement assets. While Ngāti Pūkenga Iwi ki Tauranga Trust, Te Rūnanga o Ngāi Te Rangi Iwi Trust, Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, and Ngāti Ranginui Fisheries Trust are iwi aquaculture organisations for the purposes of the Maori Commercial Aquaculture Claims Settlement Act 2004, the project area is not located within an aquaculture settlement area established under section 12 of that legislation (or within an area reserved for aquaculture through an individual iwi settlement).
61. Finally, we also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance

Customary Marine Title/Protected Customary Rights

62. As noted above, the project area is not within a customary marine title area, protected customary rights area, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou.
63. However, as noted at paragraph 25, there are currently eight applicant groups seeking recognition of PCR or CMT over areas which include the project area. You have invited these groups to comment on this application and, should you decide to accept it for referral, under section 53(2)(e) of the Act the panel must also invite comments from MACA applicants on any substantive application. This will provide such groups an opportunity to have their views taken into consideration by the panel.⁵
64. We note that if any of the CMT/PCR applications are ultimately successful, a number of rights would be conferred on the relevant applicants under MACA, including in relation to permission for certain resource consents.

Taiāpure-local fisheries/mātaitaī reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

65. As noted at paragraph 27, the project area is also within an area/rohe moana subject to regulations under Part 9 of the Fisheries Act 1996 for the management of customary food-gathering. The Fisheries (Kaimoana Customary Fishing) Notice (No.14) 2011 provides that the tangata kaitiaki/tiaki appointed for the area may authorise any individual to take fisheries resources, managed under the Fisheries Act 1996, for customary food-gathering purposes from within the whole or any part of the area/rohe moana.
66. We have also noted at paragraph 28 that the project area lies to the south of Te Maunga o Mauao Mātaitaī Reserve, depicted in the map at **Attachment 8**. The purpose of the Mātaitaī Reserve is to sustainably manage kai moana health and population within the specified area. The Fisheries (Declaration of Mataitai Reserve at Mt Maunganui and Part of Tauranga Harbour and Appointments of Tangata Kaitiaki/Tiaki) Notice 2008 prohibits commercial fishing within the reserve, and provides that the tangata kaitiaki/tiaki appointed for the reserve may authorise any individual to take fisheries resources, managed under the Fisheries Act 1996, for customary food-gathering purposes from within the reserve.
67. While the application itself does not include the proposed taking of fisheries resources, it is possible that the project may affect the ability of the tangata whenua to exercise customary food-gathering practices under the authority of the kaitiaki/tiaki. For example, sediment disturbance from dredging may have a negative effect on fisheries in the harbour at Te Paritaha sand bank and near the harbour entrance, and customary fishing may be excluded from a larger area than the current port. Tangata whenua are best suited to inform the panel of these effects.

Mana Whakahono ā Rohe/Joint management agreement

68. As noted above, we have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

⁵ We note sections 62(2) and 62A MACA provide for CMT applicants to be notified of, and consulted on, applications for resource consents in that part of the common marine and coastal area where CMT is being sought.

Summary of comments received and advice

Comments from invited Māori groups

69. Pursuant to section 17(1)(d) of the Act, on 6 October 2025 you invited written comments from the Māori groups identified above in paragraphs 17-34, from a list we previously provided you. These groups were provided with access to the application material and had 20 working days from receipt of the copy of the application to respond.
70. You received comments on the application from five groups (noting some are collectives), which can be summarised as follows:

Tauranga Moana Iwi Customary Fisheries Trust

71. Tauranga Moana Iwi Customary Fisheries Trust (TMICFT) opposes the application based on recent kaimoana survey results, which they say indicates an unsustainable decline in kaimoana within the nearby mātaitai reserve. TMICFT states that the applicant has failed to complete the required monitoring of kaimoana reserves under its current consents for seven years. TMICFT opposes any development that does not include meaningful partnership and robust cultural and environmental safeguards.
72. Should the application be approved, TMICFT proposes a number of conditions including establishing a TMICFT-led kaimoana enhancement programme for Te Awanui and the mātaitai reserve, resourcing long-term monitoring and mātauranga-based data collection and analysis, and ensuring TMICFT representation in all monitoring and marine protection plans.
73. These comments draw on an appended cultural values report prepared by TMICFT. The Chair of TMICFT also submitted these comments in their capacity as tāngata kaitiaki under the Fisheries (Kaimoana Customary Fishing) Regulations 1998, to manage and protect customary fisheries in Tauranga Moana. We have provided the TMICFT comments and cultural values report at **Attachment 9.1**.

Ngā Tai ki Mauao

74. The Ngā Tai ki Mauao hapū collective do not support the referral of this application. The 20 members of Ngā Tai ki Mauao were all participants in the previous proceedings for this project, and they question why the applicant has abandoned the Environment Court process when interim approval for part of the Sulphur Point works had been granted, subject to conditions. In light of the applicant's previous undertakings to rebuild its relationship with tangata whenua, Ngā Tai ki Mauao view this change of course as acting in bad faith.
75. Ngā Tai ki Mauao note that the applicant has a poor history of compliance, operating for over 20 years without stormwater discharge permits, and failed to meet earlier consent conditions. Ngā Tai ki Mauao cite the Environment Court's view that the applicant had previously disregarded its Treaty responsibilities under the RMA. Ngā Tai ki Mauao maintain that the applicant's current operations have significant cultural effects, particularly in relation to the adverse impact on Whareora Marae, and that there needs to be substantial remediation of these effects before further consents should be considered.
76. We have provided the comments from Ngā Tai ki Mauao at **Attachment 9.2**.

Ngāti Ranginui Fisheries Trust

77. Ngāti Ranginui Fisheries Trust cite the Environment Court's previous finding that the cultural effects of the applicant's operations on Te Awanui were significant and ongoing, and that tangata whenua had been unable to exercise kaitiakitanga in a meaningful sense. The Court held that the applicant had not met its monitoring and restoration obligations, and directed further work be undertaken with tangata whenua to prepare a Southern Te Awanui Harbour Plan, complete kaimoana surveys, and develop a governance framework for kaitiaki monitoring. Ngāti Ranginui Fisheries Trust state that these directions have not been fully implemented, and their view is that the referral application is an attempt to circumvent them.

78. Ngāti Ranginui Fisheries Trust contend that the application does not meet several tests for referral under the Act:

- a. there is insufficient information to inform the decision (under section 21(3)(c)), due to the absence of baseline and cumulative effects environmental data, and the lack of evidence that consultation has informed the project;
- b. the Minister cannot be satisfied that the application is not likely to have significant adverse effects on the environment (under section 21(5)(c)), given the evidence from tangata whenua of the impact of the applicant's current activities;
- c. the Minister cannot be satisfied that the application is consistent with Treaty settlements (section 21(5)(a)), when the applicant makes no reference to fisheries or aquaculture settlements, or the impact of the application on fisheries or aquaculture; and
- d. the applicant's compliance history is poor (section 21 (5)(d)), and there is no evidence that prior deficiencies have been addressed or enforcement issues resolved.

79. Ngāti Ranginui Fisheries Trust submits that the referral application should be declined for these reasons, and that the applicant should instead complete the partnership, monitoring and restoration commitments arising from the Environment Court's 2023 decision before seeking any further approvals. We have provided the comment from Ngāti Ranginui Fisheries Trust at **Attachment 9.3**.

Ngāti Ranginui Iwi Society Incorporated

80. The comment from Ngāti Ranginui Iwi Society Incorporated is consistent with the position set out by the Ngāti Ranginui Fisheries Trust. Ngāti Ranginui Iwi Society submits that the Minister should decline to refer the application, due to the unresolved compliance issues and the absence of meaningful incorporation of the views of tangata whenua.

81. In addition, Ngāti Ranginui Iwi Society Incorporated points to the Crown's apology for historical Treaty breaches in the Ngāti Ranginui settlement, including acknowledgement of deprivation of access to Te Awanui and the environmental degradation caused by the development of the port. Ngāti Ranginui Iwi Society believe that referral of an application that directly affects the same environment would be inconsistent with the Ngāti Ranginui and Tauranga Moana settlements, including the participatory mechanisms established through those settlements, and the Crown's commitment to restoring the relationship with tangata whenua.

82. We have provided the comment from Ngāti Ranginui Iwi Society Incorporated at **Attachment 9.4**.

Ngāi Tukairangi Hapū Trust

83. Ngāi Tukairangi Hapū Trust do not expressly oppose the application, but oppose any development that does not include meaningful partnership, legal compliance, and robust cultural and environmental safeguards. Ngāi Tukairangi Hapū Trust claim mana whenua status over the project area, and as such they expect to be included in the Fast-track process and outcomes.
84. Ngāi Tukairangi Hapū Trust view the application as a continuation of the degradation of Te Awanui that has already occurred, and they support the approach of TMICFT (as outlined at paragraphs 71-73), including proposed conditions to protect and restore kaimoana. Ngāi Tukairangi Hapū Trust appended their cultural values report which discusses the cumulative effect of development on the harbour. We have provided the Ngāi Tukairangi comment and cultural values report at **Attachment 9.5**.

Consultation with departments and Ministers

85. In preparing this report, we are required to:
 - a. consult relevant departments; and
 - b. provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti (for response within 10 working days).
86. We sought advice from Te Puni Kōkiri – the Ministry for Māori Development and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups, the DOC regarding the current status of relationship agreements, and from the Ministry for Primary Industries – Manatū Ahu Matua in relation to fisheries and aquaculture settlements, and have incorporated their views into this report.
87. In his feedback on the draft of this report, the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti recommended that environmental and cultural concerns be appropriately addressed through the panel, particularly in relation to Rangataua and other areas of iwi significance. We have included this comment at **Attachment 10**.

Advice on whether it may be more appropriate to deal with the proposed approvals under another Act/s

88. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
89. We note the matters encompassed by section 18(2)(m) also include subsection 18(2)(l), the summary of comments received by you after inviting comments from Māori groups under section 17(1)(d). As set out in paragraphs 69-84, these comments were opposed to the application being considered under the Act, and cited a range of reasons for that position.
90. We note that the information requirements of referral applications are not as extensive as for substantive applications under the Act, or for applications for approvals under other statutes such as the RMA. Accordingly, some of the matters raised by those Māori groups invited to comment, such as environmental effects, may be addressed through the substantive application. Those commenters may also have different expectations, based on their experience of the RMA, of what information is required under the Act.

91. Nevertheless, we have considered whether the weight of opposition from those Māori groups who provided comments may be a reason why it may be more appropriate to deal with the proposed approvals under the RMA and the Wildlife Act 1953, as appropriate.
92. As background, the applicant previously sought to have the project included among those approved for fast-track consenting under the COVID-19 Recovery (Fast Track Consenting) Act 2020, but in March 2021 the then-Minister for the Environment declined, concluding it would be more appropriate for the project to go through a standard consenting process under the RMA. The Ministry for the Environment advised that the RMA would provide an opportunity for submitters, including tangata whenua, to be involved in consenting decisions on the project, as some activities would occur in the public domain. Officials noted that the applicant had the option of requesting that the application go directly to the Environment Court under section 87D of the RMA.
93. The applicant then sought a resource consent under the RMA, and asked the consenting authority (Bay of Plenty Regional Council) to allow the application to be determined by the Environment Court. In December 2024, the Environment Court confirmed it would grant consent to stage one of the Sulphur Point extension, subject to the applicant submitting amended conditions, having made some progress towards compliance with the directions in the Court's first interim decision. These directions included preparing a Harbour Health Plan in co-operation with tangata whenua, undertaking a series of surveys of kaimoana, and preparing a comprehensive state of the environment report addressing all effects of port operations. The Court reserved its decision on the other parts of the application (stage two of Sulphur Point and the Mount Maunganui extensions) until the remaining directions, and a series of new directions, were met.
94. The Act provides an opportunity for the comments from Māori groups to be considered by you, and by a panel should you decide to accept this application for referral, along with comments from others such as local authorities. In addition, the Act enables the Minister and the panel to seek further information about the application. Further, given the legal history of this application, the panel could choose to set conditions that draw on the earlier directions made by the Environment Court in its interim decisions.
95. However, under the Act the timeframes for these steps are short. The RMA and other relevant statutes under which approvals would ordinarily be processed allow more time to consider the views of others, including input from a wider range of parties than under the Act. Noting the significant level of opposition to the project from tangata whenua, and the Crown's acknowledgements in Treaty settlements of the historical impact of the development of the port, it may be more appropriate for the project to be considered under another Act.
96. To be clear, this is not necessarily a reason why the project should not be referred, but it may be a reason why it is more appropriate to consider the proposed approvals under other statutes, to enable more comprehensive consultation and decision-making. This is discussed more in the Stage 2 briefing for this project.

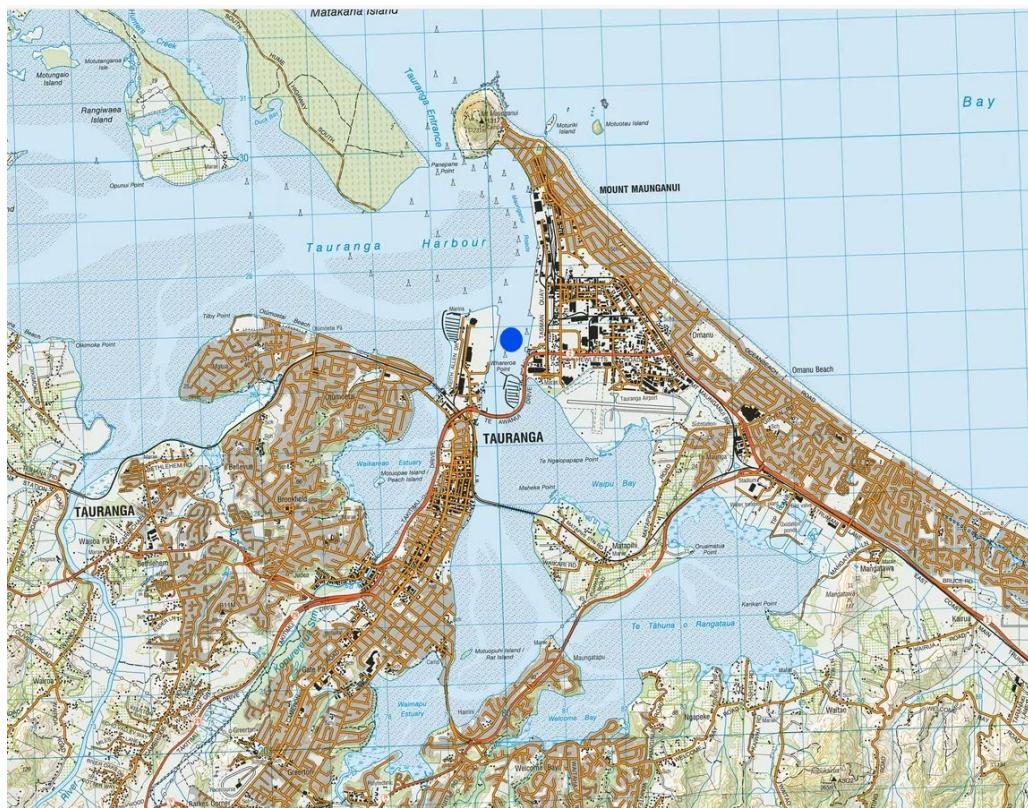
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	11-13
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	18-21
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	35-36
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	37-61
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	22-23
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	24, 62
18(2)(f)	Any applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 that seek recognition of customary marine title or protected customary rights within the project area.	25, 62-64
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	26, 62
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaītai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	27-28, 65-67
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	29-30
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), <ul style="list-style-type: none"> (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements. 	31-32, 68

	(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	33-34
18(2)(l)	A summary of— (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups	69-84
18(2)(m)	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	88-96
18(3)	In preparing the report required by this section, the responsible agency must— (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.	85-86
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	87

Attachment 2: Project location map

Map showing general location only



Site map provided by the applicant

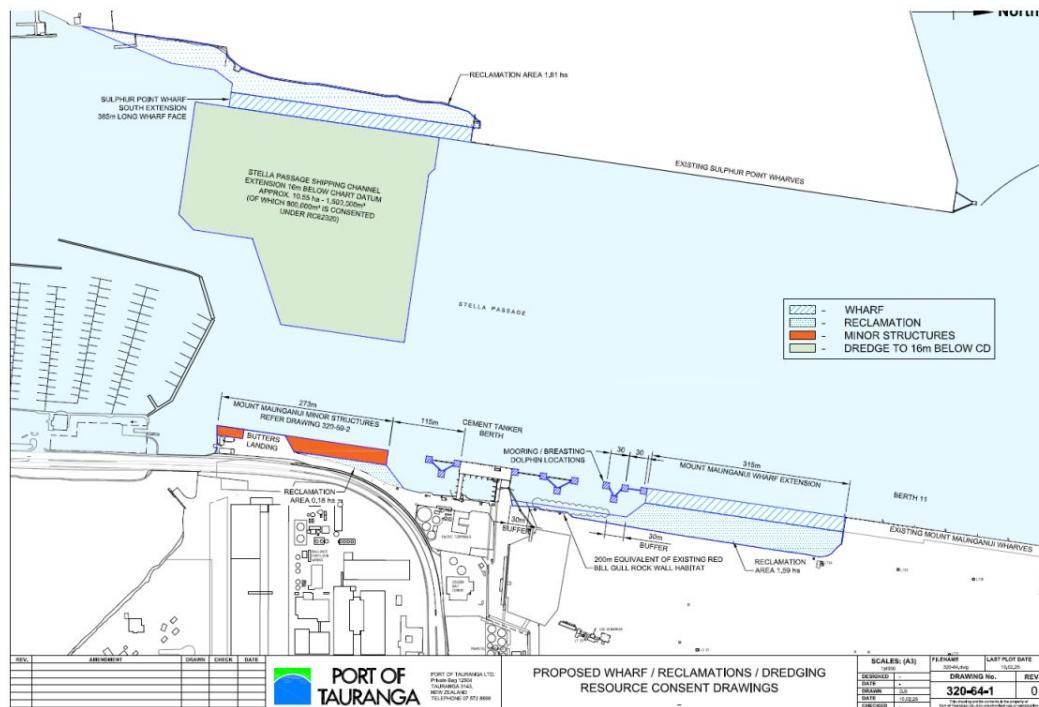


Figure 1: Project Location.

Attachment 3: List of relevant Māori groups

Name of group	Type of group (section of Act)
Ngāti Pūkenga Iwi ki Tauranga Trust	Iwi authority (s18(2)(a)); Treaty settlement entity – MIO/IAO (s18(2)(a))
Te Rūnanga o Ngāi Te Rangi Iwi Trust	Iwi authority (s18(2)(a)); Treaty settlement entity – MIO/IAO (s18(2)(a))
Ngāti Ranginui Iwi Society Inc	Iwi authority (s18(2)(a))
Te Kapu o Waitaha Trust	Iwi authority (s18(2)(a)), Treaty settlement entity (s18(2)(a))
Te Tāwharau o Ngāti Pūkenga	Treaty settlement entity (s18(2)(a))
Ngāi Te Rangi Settlement Trust	Treaty settlement entity (s18(2)(a)), negotiation mandate (s18(2)(d))
Ngā Pōtiki a Tamapahore Trust,	Treaty settlement entity (s18(2)(a)), negotiation mandate (s18(2)(d))
Ngā Hapū o Ngāti Ranginui Settlement Trust	Treaty settlement entity (s18(2)(a))
Tauranga Moana Iwi Collective Limited Partnership	Treaty settlement entity (s18(2)(a))
Te Kotahitanga o Te Arawa Waka Fisheries Trust Board, representing Waitaha	Treaty settlement entity – MIO/IAO (s18(2)(a))
Ngāti Ranginui Fisheries Trust	Treaty settlement entity – MIO/IAO (s18(2)(a))
Te Ohu Kaimoana	Treaty settlement entity – MIO (s18(2)(a))
MAC-01-05-024/CIV-2017-485-355 – Te Whānau a Mokomoko	MACA applicant group (s18(2)(f))
MAC-01-05-005 – Ngā Hapū o Matakana	MACA applicant group (s18(2)(f))
MAC-01-05-006/CIV-2017-485-244 – Ngā Hapū o Ngāi Te Rangi	MACA applicant group (s18(2)(f))
MAC-01-05-009 – CMT/PCR – Ngāi Tamarawaho	MACA applicant group (s18(2)(f))
MAC-01-05-013/CIV-2017-485-219 – Ngāti He	MACA applicant group (s18(2)(f))

MAC-01-05-015/CIV-2017-485-250 – PCR – Ngāti Pukenga	MACA applicant group (s18(2)(f))
MAC-01-05-016/CIV-2017-485-294 – Ngā Hapū o Ngāti Ranginui Settlement Trust	MACA applicant group (s18(2)(f))
MAC-01-05-025 – Waaka and Holloway Whānau	MACA applicant group (s18(2)(f))
Kia Māia Ellis – tangata kaitiaki/tiaki for Te Maunga o Mauao Mātaitai Reserve	Customary fisheries (s18(2)(h))
Tauranga Moana Iwi Customary Fisheries Trust	Customary fisheries (s18(2)(h))
Ngāi Tukairangi (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))
Ngāti Kuku (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))
Ngāti Hē (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))
Ngāti Kaahu a Tamapahore	other Māori groups with relevant interests (s18(2)(k))
Ngāti Kahu (hapū of Ngāti Ranginui)	other Māori groups with relevant interests (s18(2)(k))
Ngāti Tapu (hapū of Ngāi Te Rangi)	other Māori groups with relevant interests (s18(2)(k))
Ngāi Tamarawaho (hapū of Ngāti Ranginui)	other Māori groups with relevant interests (s18(2)(k))
Whareroa Marae (Ngāti Kuku, Ngāi Tukairangi)	other Māori groups with relevant interests (s18(2)(k))
Ngā Hapū o Ngā Moutere Trust (collective of Matakanā Island hapū: Ngāi Tuwhiwhia, Ngāi Tamawharua, Ngāti Tauaiti, Te Ngare, Whānau a Tauwhao)	other Māori groups with relevant interests (s18(2)(k))
Ngā Tai ki Mauao hapū collective (comprising Ngāi Tuwhiwhia, Ngāi Tamawharua, Te Ngare, Whānau a Tauwhao (ki Rangiwaea), Ngāti Tauaiti, Ngāti Kuku, Whareroa Marae Trust, Ngāti Tapu; Ngāti Kaahu a Tamapahore; Ngā Kaitiaki o Rangataua; Ngāti Hē; Ngāti Kahu (ki Tauranga)).	other Māori groups with relevant interests (s18(2)(k))

Attachment 4: Consultation provisions in the Waitaha Conservation Protocol

16. CONSULTATION

- 16.1 Where the Department is required to consult under this Protocol, the basic principles that will be followed by the Department in consulting with the Governance Entity in each case are:
 - 16.1.1 Ensuring that the Governance Entity is consulted as soon as reasonably practicable following the identification and determination by the Department of the proposal or issues to be the subject of the consultation;
 - 16.1.2 Providing the Governance Entity with sufficient information to make informed discussions and submissions in relation to any of the matters that are subject of the consultation;
 - 16.1.3 Ensuring that sufficient time is given for the effective participation of the Governance Entity, including the preparation of submissions by the Governance Entity, in relation to any of the matters that are the subject of the consultation;
 - 16.1.4 Ensuring that the Department will approach the consultation with an open mind and genuinely consider any views and/or concerns that the Governance Entity may have in relation to any of the matters that are subject to the consultation. Where the Department has consulted with the Governance Entity as specified in clause 16.1, the Department will report back to the Governance Entity on the decision made as a result of any such consultation.

The entire document can be found here (from page 35): [Waitaha Deed of Settlement Schedule - Documents 20 Sep 2011](#)

Attachment 5: Excerpt from Tauranga Moana Iwi Collective deed (legislative matters schedule) regarding Tauranga Moana Framework

RESOURCE CONSENT PROCESS

3.8 The collective legislation will provide that:

3.8.1 paragraphs 3.8.2 to 3.8.8 apply only to applications to the Bay of Plenty Regional Council for resource consent for any activity referred to in sections 12, 13, 14, 15(1)(a) and (b), 15A and 15B of the Resource Management Act 1991 in relation to waters within Tauranga Moana;

3.8.2 not less than quarterly, the Bay of Plenty Regional Council must provide the Tauranga Moana Governance Group with resource consent activity reports;

3.8.3 no later than 5 business days after receiving an application for resource consent referred to in paragraph 3.8.1, the Bay of Plenty Regional Council must provide Tauranga Moana iwi and hapū with a complete physical or electronic copy of the application unless, within that time, the Bay of Plenty Regional Council has:

- (a) returned the application to the applicant pursuant to section 88(3) of the Resource Management Act 1991; or
- (b) made a determination under section 91(1) of the Resource Management Act 1991 to defer the application;

3.8.4 to avoid doubt:

- (a) the requirements of paragraphs 3.8.2 and 3.8.3:
 - (i) do not confer affected person status on the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū; but
 - (ii) do not affect any entitlement of Tauranga Moana iwi and hapū to:
 - (I) make a submission to the Bay of Plenty Regional Council about an application for a resource consent in accordance with section 96 of the Resource Management Act 1991; or
 - (II) otherwise participate in any resource consent hearing process;
- (b) compliance by the Bay of Plenty Regional Council with paragraphs 3.8.2 and 3.8.3 does not amount to a decision that the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū, or any of them has or does not have affected person status; and
- (c) any decision by the Bay of Plenty Regional Council as to whether the Tauranga Moana Governance Group or Tauranga Moana iwi and hapū are affected persons must be made in accordance with section 95E of the Resource Management Act 1991; and

3: TAURANGA MOANA FRAMEWORK

3.8.5 at least once every two years the Bay of Plenty Regional Council and the Tauranga Moana Governance Group must jointly establish a working party to develop and/or review criteria and policies for procedural matters related to resource consent applications, such as:

- (a) pre-application processes;
- (b) section 87D (request that an application be determined by the Environment Court rather than the consent authority);
- (c) section 88(3) (incomplete application for resource consent);
- (d) section 91 (deferral pending additional consents);
- (e) section 92 (requests for further information);
- (f) section 95 to 95F (notification of applications for resource consent); and
- (g) processes consistent with the requirements of the Resource Management Act 1991 for engaging with Tauranga Moana iwi and hapū;

3.8.6 when developing or reviewing criteria, the working party established under paragraph 3.8.5 must consult with Tauranga Moana iwi and hapū;

3.8.7 to avoid doubt:

- (a) the criteria developed and agreed under paragraph 3.8.5:
 - (i) are additional to, and must not derogate from, the existing criteria to be applied by the Bay of Plenty Regional Council under the Resource Management Act 1991;
 - (ii) do not impose any requirement on a consent authority to change, cancel or review consent conditions; and
 - (iii) must not be inconsistent with the requirements of the Resource Management Act 1991; and
 - (iv) must meet the requirements of natural justice; and
- (b) the working party established under paragraph 3.8.5 may agree not to propose criteria additional to the existing criteria to be applied by the Bay of Plenty Regional Council under the Resource Management Act 1991; and

3.8.8 if requested by the Tauranga Moana Governance Group, the Bay of Plenty Regional Council may consider establishing a working party for the purposes of paragraph 3.8.5 more frequently than once every two years if it is reasonably practicable to do so having regard to:

- (a) the number and frequency of such requests received from the Tauranga Moana Governance Group; and
- (b) the time and cost involved in complying with the request.

RESOURCE CONSENT HEARING COMMISSIONERS

3.9 The collective legislation will provide that:

- 3.9.1 paragraphs 3.9.2 to 3.9.7 apply only to applications to the Bay of Plenty Regional Council for resource consent for any activity referred to in sections 12, 13, 14, 15(1)(a) and (b), 15A and 15B of the Resource Management Act 1991 in relation to waters within Tauranga Moana;
- 3.9.2 the Tauranga Moana Governance Group must establish and maintain a register of persons who:
 - (a) are qualified Resource Management Act 1991 decision-makers; and
 - (b) have been appointed to the register by Tauranga Moana iwi and hapū;
- 3.9.3 if a hearing is to be held under the Resource Management Act 1991 in relation to an application for resource consent referred to in paragraph 3.9.1 (other than a hearing solely in relation to objections under section 357 of the Resource Management Act 1991) the Bay of Plenty Regional Council must:
 - (a) as soon as practicable serve notice on the Tauranga Moana Governance Group that a hearing is to be held;
 - (b) exercise its power under section 34A(1) of the Resource Management Act 1991 to delegate its functions, powers and duties required to hear and decide the application to one or more commissioners; and
 - (c) appoint as the commissioner or commissioners:
 - (i) only persons who are qualified Resource Management Act 1991 decision-makers; and
 - (ii) at least one person whose name appears on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2;
- 3.9.4 a person must not be appointed as a commissioner, or continue to be a commissioner referred to in paragraph 3.9.3(b) or paragraph 3.9.9:
 - (a) if that person:
 - (i) is or becomes a party or the parent, child, spouse, civil union partner, or de facto partner of a party in the proceeding before commissioner or commissioners;
 - (ii) has or develops a relationship or connection with a party in the proceeding before commissioner or commissioners that is or may be in conflict with the person's duties and responsibilities as a commissioner;
 - (iii) has or acquires a financial interest in, or is or becomes a director, officer, member, or trustee of, a party in the proceeding before the commissioner or commissioners;

3. TAU RANGA MOANA FRAMEWORK

- (iv) has an interest in, or connection with, the subject-matter of the proceeding before the commissioner or commissioners of such a nature that any decision in which that person participated would be, or would have the appearance of being, improperly influenced by the interest or connection;
- (v) is affected by some other interest or duty that is or may be in conflict with the person's duties and responsibilities as a commissioner; or
- (vi) without limiting the application of sub-paragraphs (i) to (iv) of paragraph (a) of paragraph 3.9.4, would be prohibited under section 6 of the Local Authorities (Members' Interests) Act 1968 from voting on or taking part in the discussion of any matter before commissioner or commissioners; or

(b) if there are grounds upon which a fair minded observer might reasonably apprehend that that person:

- (i) has predetermined the outcome of the application; or
- (ii) is biased;

3.9.5 the following circumstances do not, of themselves, disqualify a person under paragraph 3.9.4 or any rule of law from being appointed as a commissioner:

- (a) the person is a ratepayer;
- (b) the person is a member of a local authority;
- (c) the person is descended from an ancestor of an iwi or hapū; or
- (d) the, social, cultural or spiritual values of any iwi or hapū are, or may be considered:
 - (i) relevant to the subject-matter of the proceeding before the commissioner or commissioners; or
 - (ii) reflected in the person's membership of the commissioner or commissioners;

3.9.6 if a question arises as to whether a person is ineligible to be appointed as a commissioner, or continue to be a commissioner, under paragraph 3.9.4, the Bay of Plenty Regional Council may refer the question to the Tauranga Moana Governance Group which may provide advice and guidance to the Bay of Plenty Regional Council to assist the Bay of Plenty Regional Council to determine whether a person is ineligible;

3.9.7 the requirements of paragraph 3.9.3 will not apply if:

- (a) no-one has been appointed by Tauranga Moana iwi and hapū to the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2; or

- (b) there is no person on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2 who is eligible to be appointed as a commissioner under paragraphs 3.9.3(b) or 3.9.9; or
- (c) the Tauranga Moana Governance Group has, in respect of a particular hearing, waived in writing the requirements of paragraph 3.9.3;

3.9.8 if an application for resource consent is lodged with the Environment Protection Authority under section 145 of the Resource Management Act 1991, and a direction is made under section 147(1)(c) to refer the matter to Bay of Plenty Regional Council, then paragraph 3.9.3 will apply; and

3.9.9 if a request is made under section 100A of the Resource Management Act 1991 for the Bay of Plenty Regional Council to delegate its functions, powers and duties required to hear and decide an application for resource consent referred to in paragraph 3.9.1 to a commissioner or commissioners, then the commissioner (if the delegation is to a single commissioner) or at least one commissioner (if the delegation is to more than one commissioner) must be a qualified Resource Management Act 1991 decision-maker whose name appears on the register established and maintained by the Tauranga Moana Governance Group under paragraph 3.9.2.

...

NGĀ TAI KI MAUAO - THE TAURANGA MOANA FRAMEWORK DOCUMENT

Purpose

3.14 The collective legislation will provide that the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document) is to contribute to achieving the purpose of the Tauranga Moana Governance Group by identifying a vision, objectives and desired outcomes for Tauranga Moana.

Content

3.15 The collective legislation will provide that Ngā Tai ki Mauao (the Tauranga Moana framework document):

3.15.1 must include provisions that:

- (a) the Tauranga Moana Governance Group considers are relevant to and further the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document);
- (b) identify the significant environmental management issues for Tauranga Moana from the perspective of the Tauranga Moana Governance Group;
- (c) identify and reflect iwi and hapū values and mātauranga Māori relating to Tauranga Moana; and
- (d) describe objectives to achieve the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document), which, without limitation, may include objectives for:
 - (i) preserving and improving the natural character and heritage of the Tauranga Moana environment;
 - (ii) integrating and co-ordinating the management of natural, historical and traditional resources within Tauranga Moana;
 - (iii) providing for the relationship of Tauranga Moana iwi and hapū and their culture and traditions with Tauranga Moana and protecting and enhancing those characteristics of the Tauranga Moana environment that are of special value to Tauranga Moana iwi and hapū;
 - (iv) maintaining and improving indigenous biological diversity and the biological diversity of the aquatic environment of Tauranga Moana;

3: TAURANGA MOANA FRAMEWORK

- (v) protecting and enhancing the habitats of significance for fisheries management and sustainable customary fishing;
- (vi) sustaining and developing the potential of the natural and physical resources of Tauranga Moana to meet the reasonably foreseeable needs of present and future generations including their social, economic, and cultural well-being;
- (vii) avoiding natural hazards and adverse effects from the storage, use, disposal and transportation of hazardous substances;
- (viii) protecting the marine environment from pollution; and
- (ix) measuring the health of the Tauranga Moana environment;

3.15.2 must only include provisions that are consistent with the purpose of Ngā Tai ki Mauao (the Tauranga Moana framework document); and

3.15.3 will not apply to any part of Tauranga Moana which is a customary marine title area in respect of which a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 has effect.

Relationship to Resource Management Act 1991 planning documents

3.16 The collective legislation will provide that:

3.16.1 when preparing, reviewing, varying or changing the Bay of Plenty regional policy statement, the Bay of Plenty Regional Council must recognise and provide for Ngā Tai ki Mauao (the Tauranga Moana framework document);

3.16.2 the obligation under paragraph 3.16.1:

- (a) applies each time the Bay of Plenty Regional Council prepares, reviews, varies or changes the Bay of Plenty regional policy statement;
- (b) does not apply to a review, variation or change that does not relate to Tauranga Moana;
- (c) is deemed to have been satisfied if the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relating to the resource management issues of the region:
 - (i) are already recognised and provided for in the Bay of Plenty regional policy statement; or
 - (ii) in relation to the content of the Bay of Plenty regional policy statement, have been considered by the Bay of Plenty Regional Council or the Environment Court within the previous two years; and

3: TAURANGA MOANA FRAMEWORK

(d) applies only to the extent that:

- (i) the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relate to the resource management issues of the region which are within the scope of the regional policy statement; and
- (ii) complying with the obligation is the most appropriate way of achieving the purpose of the Resource Management Act 1991, having regard to efficiency and effectiveness and the matters set out in section 32(4) of the RMA; and

(e) to avoid doubt, must be carried out in accordance with:

- (i) the requirements of the Resource Management Act 1991 relating to processes for the preparation, review or change of a Resource Management Act 1991 planning document including, without limitation, the requirement to carry out an evaluation under section 32 of that Act; and
- (ii) the requirements and procedures in Schedule 1 of the Resource Management Act 1991;

3.16.3 until such time as the obligation under paragraph 3.16.1 is complied with, where a consent authority is processing or making a decision on an application for resource consent within the areas marked "A" and "B" on the Tauranga Moana framework plan in the attachments, that consent authority must have regard to Ngā Tai ki Mauao (the Tauranga Moana framework document) if:

- (a) the contents of Ngā Tai ki Mauao (the Tauranga Moana framework document) relate to the resource management issues of the region or district;
- (b) complying with the obligations is consistent with the purpose of the Resource Management Act 1991; and
- (c) the consent authority considers that section 104(1)(c) applies to Ngā Tai ki Mauao (the Tauranga Moana framework document).

The entire document can be found here (from page 4): [Tauranga Moana Iwi Collective Deed - Legislative matters 21 Jan 2015](#)

Attachment 6: Waitaha coastal statutory acknowledgement provisions

Statutory acknowledgement provisions in the Waitaha Claims Settlement Act 2013

Statutory acknowledgement

25 Interpretation

In this subpart,—

specified freehold land has the meaning given in section 9(1) of the Marine and Coastal Area (Takutai Moana) Act 2011

statements of association means the statements—

- (a) made by Waitaha of their particular cultural, spiritual, historical, and traditional association with each statutory area; and
- (b) that are in the form set out in part 2 of the documents schedule at the settlement date.

26 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association.

27 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are to—

- (a) require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with sections 28 to 30; and

- (b) require relevant consent authorities to give summaries and notices of resource consent applications to the trustees, in accordance with section 32; and
- (c) enable the trustees and any member of Waitaha to cite the statutory acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, in accordance with section 33.

Section 27(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

28 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.
- (3) Subsection (2) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

29 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings before the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting the statutory area.
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in proceedings greater than that of the general public.
- (3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

30 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

- (1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—
 - (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
 - (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory

- (b) require relevant consent authorities to give summaries and notices of resource consent applications to the trustees, in accordance with section 32; and
- (c) enable the trustees and any member of Waitaha to cite the statutory acknowledgement as evidence of the association of Waitaha with the relevant statutory areas, in accordance with section 33.

Section 27(a): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

28 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 95E of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.
- (3) Subsection (2) does not limit the obligations of a relevant consent authority under the Resource Management Act 1991.

29 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings before the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting the statutory area.
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under section 274 of the Resource Management Act 1991, whether the trustees are persons with an interest in proceedings greater than that of the general public.
- (3) Subsection (2) does not limit the obligations of the Environment Court under the Resource Management Act 1991.

30 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

- (1) If, on or after the effective date, an application is made under section 44, 56, or 61 of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area,—
 - (a) Heritage New Zealand Pouhere Taonga, in exercising its powers under section 48, 56, or 62 of that Act in relation to the application, must have regard to the statutory acknowledgement relating to the statutory area; and
 - (b) the Environment Court, in determining under section 59(1) or 64(1) of that Act any appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application, must have regard to the statutory

acknowledgement relating to the statutory area, including in making a determination as to whether the trustees are persons directly affected by the decision.

(2) In this section, **archaeological site** has the meaning given in section 6 of the Heritage New Zealand Pouhere Taonga Act 2014.

Section 30: replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

31 Recording statutory acknowledgement on statutory plans

(1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.

(2) The information attached to a statutory plan must include—

- (a) the relevant provisions of sections 26 to 30 in full; and
- (b) the description of the statutory area wholly or partly covered by the plan; and
- (c) the statement of association for the statutory area.

(3) The attachment of information to a statutory plan under this section is for the purpose of public information only, and the information is not, unless adopted by the relevant consent authority,—

- (a) part of the statutory plan; or
- (b) subject to the provisions of Schedule 1 of the Resource Management Act 1991.

32 Provision of summaries or notices of resource consent applications to trustees

(1) Each relevant consent authority must, for a period of 20 years starting on the effective date, give the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:

- (a) if the application is received by the consent authority, a summary of the application; and
- (b) if notice of an application for resource consent is served on the consent authority under section 145(10) of the Resource Management Act 1991, a copy of the notice.

(2) The information provided in a summary of an application must be the same as would be given to an affected person by limited notification under section 95B of the Resource Management Act 1991, or as may be agreed between the trustees and the relevant consent authority.

(3) A summary of an application must be given under subsection (1)(a)—

- (a) as soon as is reasonably practicable after the relevant consent authority receives the application; and
- (b) before the consent authority decides under section 95(a) of the Resource Management Act 1991 whether to notify the application.

(4) A copy of the notice under subsection (1)(b) must be given no later than 10 business days after the day on which the relevant consent authority receives the notice.

(5) This section does not affect a relevant consent authority's obligation—

- (a) under section 95(a) of the Resource Management Act 1991, to decide whether to notify an application;
- (b) under section 95E of that Act, to decide whether the trustees are affected persons in relation to an application.

33 Use of statutory acknowledgement

- (1) The trustees and any member of Waitaha may, as evidence of the association of Waitaha with a statutory area, cite the statutory acknowledgement that relates to that area in submissions to, and in proceedings before, a relevant consent authority, the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991, the Environment Court, or Heritage New Zealand Pouhere Taonga concerning activities within, adjacent to, or directly affecting the statutory area.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) relevant consent authorities;
 - (b) the Environmental Protection Authority or a board of inquiry under Part 6AA of the Resource Management Act 1991;
 - (c) the Environment Court;
 - (d) Heritage New Zealand Pouhere Taonga;
 - (e) parties to proceedings before the bodies specified in paragraphs (a) to (d);
 - (f) any other person who is entitled to participate in the proceedings.
- (3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.
- (4) To avoid doubt,—
 - (a) neither the trustees nor members of Waitaha are precluded from stating that Waitaha have an association with a statutory area that is not described in the statutory acknowledgement; and
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

Section 33(1): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 33(2)(d): replaced, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

34 Trustees may waive rights

- (1) The trustees may waive the right to be given summaries, and copies of notices, of resource consent applications under section 32 in relation to a statutory area.
- (2) The trustees may waive the right to have a relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga have regard to the statutory acknowledgement under sections 28 to 30 in relation to a statutory area.
- (3) Rights must be waived by written notice to the relevant consent authority, the Environment Court, or Heritage New Zealand Pouhere Taonga, stating—
 - (a) the scope of the waiver; and
 - (b) the period for which it applies.
- (4) An obligation under this subpart does not apply to the extent that the corresponding right has been waived under this section.

Section 34(2): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

Section 34(3): amended, on 20 May 2014, by section 107 of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

35 Application of statutory acknowledgement to river, stream, or coastal marine area

- (1) If a statutory acknowledgement applies to a river or stream, that part of the acknowledgement—
 - (a) applies only to—
 - (i) the continuously or intermittently flowing body of fresh water, including a modified watercourse, that comprises the river or stream; and
 - (ii) the bed of the river or stream; but
 - (b) does not apply to—
 - (i) a part of the bed of the river or stream that is not owned by the Crown; or
 - (ii) land that the waters of the river or stream do not cover at their fullest flow without flowing over its banks; or
 - (iii) an artificial watercourse.
- (2) If a statutory acknowledgement applies to the coastal marine area, the acknowledgement does not apply to any specified freehold land in the area.

Waitaha statutory area



Waitaha statement of association

2: STATEMENTS OF ASSOCIATION

Coastal area from Maketu to Mauao (as shown on deed plan OTS-075-15)

From Maketu we go to the Kaituna River, then to Otūmatawhero, Wairākei, Te Houhou ki Repehunga, Waitahanui, Maikukutea, Otira, Te Manu Whakahoro and then to Mauao, to Waikorire where the Waimapu River flows out to the ocean.

The plains between Maketu and Mauao contained a complex navigational system. There were many waterways and tracks linking coastal and inland sites to each other. The main routes across the Pāpāmoa Hills and coastal plains between Tauranga, Maketu and Rotorua have been formed along these working tracks. The Tapuae Track is one of these routes.

Otūmatawhero is located on the coast about midway between Wairākei and Te Tumu in an area that was known to Waitaha as Te Oku. Te Oku was the name of the porpoise that followed the waka Te Arawa into Maketu. Otūmatawhero was also on the ancient highway system, with a major track heading east following the Wairākei Stream then crossing the Horoipia repo, toward the Kaituna.

There is also a strong relationship between Otūmatawhero and Te Tumu which was a significant coastal site as it was a strategic location linking Pāpāmoa to Maketu. Whoever held Te Tumu Pā had military advantage for that area. In the 1830's Te Tumu and Maketu were fiercely contested.

Wairākei is located mid-way between Maketu and Mauao. Individual pā and other significant sites were physically linked as stepping-stones across the vast wetlands and dune plains. Streams originating in the hills around Ōtawa crossed the plain, emptying into the wetlands, then finding their courses into Te Awa o Wairākei or the Kaituna River. This included Te Kopuaroa and Te Raparapa-ā-Hoe. The former lagoon at Wairākei was fringed with raupō and manuka and had an abundance of fish which could be seen by a person standing on the banks because the water was as clear as glass. The lagoon became a casualty of drainage and flood protection works and urban development.

The first Waitaha occupation of Wairākei began when the waka Te Arawa followed a porpoise up the Wairākei River. It is historically known as Te Okuroa o Wairākei. The first settler in that area was Rongomaitane, a son of Waitaha. His son was Te Haehae and the son of Te Haehae was Whitikiore who is associated with the Pā Te Kio.

This is the Waitaha whakataukī relating to Wairākei

*"He pou tou
He awatea tera
He pukana mutunga i te awatea
I te rā e whiti ana"*
The deed of thy ancestor was one of darkness! (treachery)
The other (death of Hikareia) was done in the daylight

After warfare, under the shining sun according to tikanga!

All tracks led to Wairākei and to Te Houhou area. Te Houhou is situated within the Horoipia swamp adjacent to Wairākei. The track that ran from the Pāpāmoa Hills to Wairākei intersected with the track from Tauranga to Te Houhou. The main roadways today were built to follow these old tracks.

Tamangarangi of Waitaha was married to Haua. Haua also assisted Waitaha during the occupation of Maketu by another iwi. Their descendant Te Waharoa, set an aukati along Pāpāmoa beach during the battles with Te Arawa to enable free passage for those travelling to and from

Maketu and Tauranga and for those gathering food. Te Waharoa also stated that nobody was to stay there permanently and no battles were to be fought in that area. This area is known as Te Rii o Waharoa.

Te Houhou was the main papakāinga along the Pāpāmoa coast and is near Wairākei. It provides a tangible link to Te Rae o Pāpāmoa, Te Kio, Kiore Te Kopua and other associated pā in this area. It is considered to be the most significant remnant of archaeological landscape that once covered hundreds of hectares between Mauao and the Kaituna River.

Te Houhou area is of very ancient occupation, dating back to the arrival of the waka Te Arawa. Tamatekapua was the captain of Te Arawa. His mokopuna Taramainuku was also on board the waka. Taramainuku stayed in this area with his Waitaha whānau on his way to Moehau in the Coromandel. There is a place in the Te Houhou area named Te Tohihi a Taramainuku. Te Tohihi is the end on the kamokamo plant. The name refers to the place where Taramainuku had his mahinga kai (food garden). Te Kio was a pā and kāinga at the time of Taramainuku.

Te Kio, Kiore and Paraoa were defensive pā. The area looks quite different now because the swamp has been drained, but back in those times the pā were located on the high ground rising above the swamp. The swamp was a natural defensive area, because war parties would have to cross through the swamp to reach the pā.

Te Kio was a pā and a papakāinga at the time of Taramainuku, who arrived on the waka Te Arawa, so it is a very ancient pā. Due to urban development, it is no longer visible.

Te Kio was occupied by Whitikiore, the son of Haehae, who was the son of Rongomaitane, who was the son of Waitaha. During the time of Whitikiore there was a volcanic eruption in the middle of the North Island, and ash was blown over to the coast. After that, Whitikiore moved to Tuhua Island where he settled. Other hapū subsequently made claims to the Waitaha tupuna Whitikiore and became known as Ngāti Whitikiore; they remained there for some time. In later times, Te Kio was a nohoanga papakāinga used in times of food gathering.

Kiore was a swamp pā near Te Kio. The pā was named after Whitikiore. Whitikiore later moved to Tuhua (Mayor Island). Kiore and Paraoa have been recorded as the oldest swamp pā in the Bay of Plenty.

Paraoa was a Waitaha pā protruding out of the swamp which is how it got its name. When Waitaha tūpuna first explored this site, they found the remains of the whale Paraoa, hence the name of the pā. This pā is located near Te Kio and is further along the ridge from Kiore. Part of Paraoa is still visible today. Paraoa is also the name of a son of Takakōpiri, who was nine generations down from Hei.

Te Repehunga was a nohoanga kāinga of Waitaha, but it was demolished by sand quarrying. It marks the boundary between Te Iwikoroke and Kumaramaoa. This was an important nohoanga kāinga and mahinga kai and it provided a thoroughfare between the Pāpāmoa Hills, Te Houhou, Maungamana and Kopukairua.

Maikukutea was named after a battle between Ngātoro-i-rangi and his brother-in-law Manaia. Manaia wanted utu for an insult made by Ngātoro-i-rangi. The taua of Manaia anchored off the island Motiti and his pā Matarehua where he then challenged Ngātoro-i-rangi to a fight. However, being late in the afternoon Ngātoro-i-rangi stated that they would fight the next day. During that evening Ngātoro-i-rangi offered up his prayers to his atua and they sent a storm that annihilated the taua of Manaia. The next morning all that remained of the forces of Manaia were their washed up bodies buried under the sand and their finger nails protruding through the sand at Te Akau.

Waitahanui is an ancient urupā of Waitaha on the coast and is located at Otira. Te Manu Whakahoro is an important area for Waitaha.

Mauao is significant to Waitaha as Tutuaroa, the son of Waitaha, first occupied Mauao. When Tutuaroa left for Ōtamarākau, his son Taiwhanake and mokopuna Kinonui and their descendants continued to occupy Mauao. The well known pakiwaitara of Pūwhenua, Mauao and Ōtanewainuku explains how the Waimapu River was formed and how Mauao got its name.

Attachment 7: Ngāi Te Rangi/Ngā Potiki coastal statutory acknowledgement provisions

Ngāi Te Rangi/Ngā Potiki statutory area



Ngāi Te Rangi/Ngā Potiki statement of association

Waiororo ki Maketu (as shown on deed plan OTS-078-13)

Ngāi Te Rangi are a coastal people and for centuries have lived along the coastline in particular, from Waiororo through to Te Tumu. The area is significant as it tells a story about the existence of Ngāi Te Rangi over time. In particular, Te Whānau a Tauwhao were sentinels for the most northern region of our rohe. All along the coastline from that point, we see symbols of residence, occupation, and active living by our hapū members and our people. From Mauao, our residence stretches unhindered along the shoreline to Waikarei and Te Tumu.

There is a saying for Ngāi Te Rangi that goes, said of a people truly of the water, of the sea and of the people.

"Ko te moana ko au, ko au te moana".

It is therefore part of Ngāi Te Rangi culture and heritage to source much traditional learning and knowledge building from the moana; and the sea is as important if not more so than the land. The moana was the source of food and the means of access and continuing communication between the village communities around its shores.

This is expressed in the whakatauki which describes this tribal area:

"Ko Mauao te maunga, Ko Tauranga te moana, Ko Tupaea te tangata".

Our people are often described as kaimoana, for instance, Tauwhao are patiki, Ngāti He are the papaka, Matapihi is sometimes referred to as titiko, and the island hapu known as mako. This association with taonga of the sea is an essential aspect of our character as Ngāi Te Rangi.

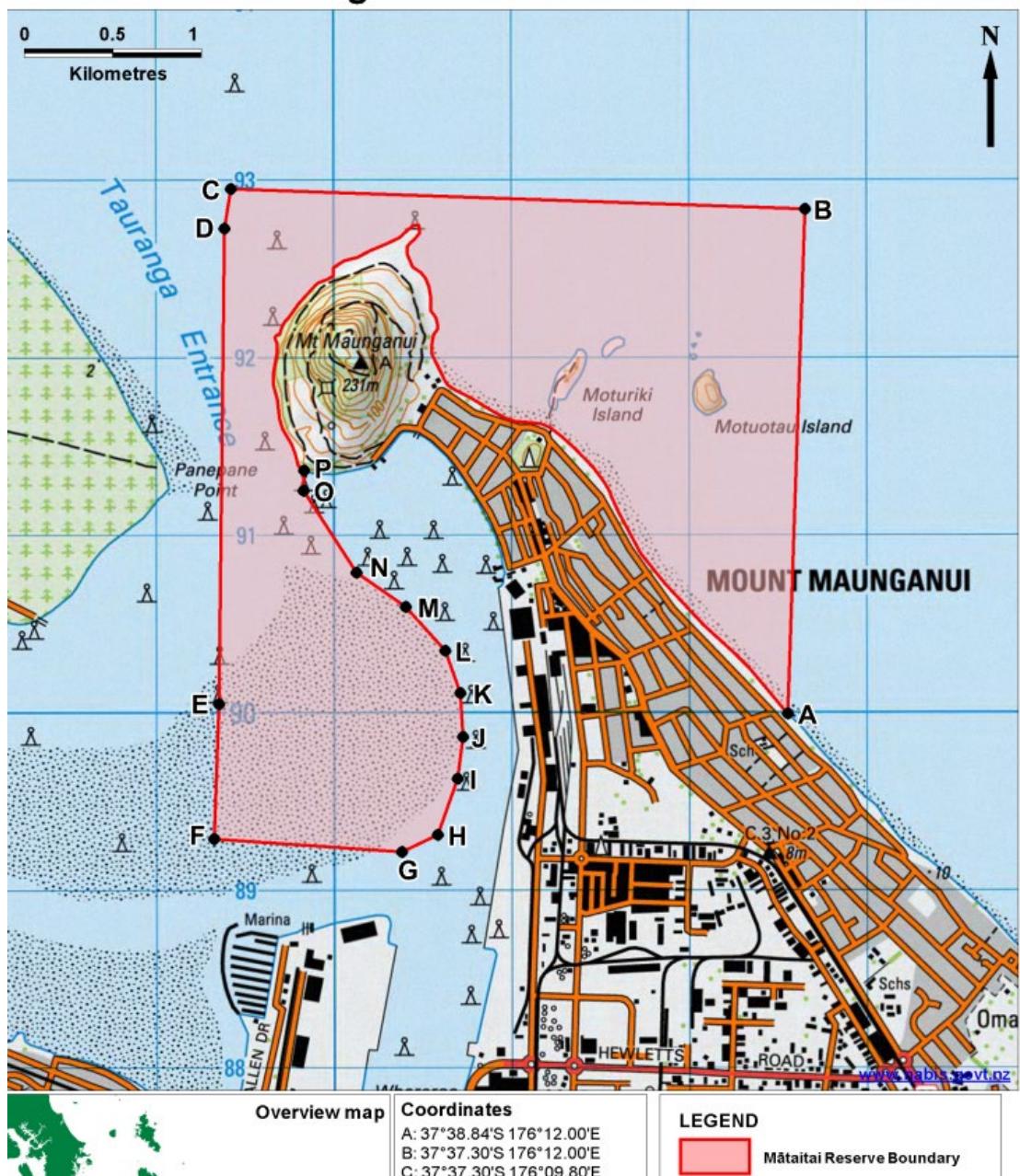
NGĀ POTIKI STATEMENTS OF ASSOCIATION

The statements of association of Ngā Pōtiki are listed as follows. These statements recognize the spiritual, cultural, historical associations Ngā Pōtiki have and continue to have with those areas.

TE AKAU (as shown on deed plan OTS-078-13)		
Site Type	Coastline & ancestral seascape	Nga Potiki association (history and significance)
Location	Papamoa coast - West of Girven Road to Wairakei (Taylor's Reserve) ending at Te Tumu (mouth of the Kaituna River)	The coast (Te Akau) and ocean (Te Moana a Toi) represent the easterly extent of the Nga Potiki rohe. The abundant ocean fisheries and fresh water fisheries from the adjacent and extensive wetlands attracted settlement along the length of the coastal dune system and Papamoa coastal plain.
Description of site	Beach and sand dunes	
Nga Potiki tupuna association	Tamapahore Te Tauhou Wiparera Tarakiteawa Pine Awanui	Te Akau served as an important pataka kai for Nga Potiki for many centuries. Te Akau is also a wahi tapu. Nga Potiki kaumatua referred to Te Akau as 'nga urupa katoa', where for centuries Nga Potiki buried their dead. The last known burial was in 1912.
Pepeha, waiata, kiwhaha, whakatauki	'Mai Parakihi ki Wairakei' 'Mai Parakihi ki Maketu' 'Nga urupa katoa'	The coast and walking trails along the length of the dune system linked Mangatawa to Te Houhou, Te Tumu and Maketu. Te Akau served as a 'highway' well into the nineteenth century.

Attachment 8: Map of Te Maunga o Mauao Mātaitai Reserve

Te Maunga o Mauao Mātaitai Reserve



Attachment 9: Comments received from invited Māori groups

Your written comments on a project under the Fast Track Approvals Act 2024

Project name	Stella Passage
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Before the due date, for assistance on how to respond or about this template or with using the portal, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

All sections of this form with an asterisk (*) must be completed.

1. Contact Details

Please ensure that you have authority to comment on the application on behalf of those named on this form.

Organisation name (if relevant)	Tauranga Moana Iwi Customary Fisheries Trust		
*First name	Kia Māia		
*Last name	Ellis		
Postal address			
*Contact phone number	s 9(2)(a)	Alternative	
*Email	s 9(2)(a)	AND s 9(2)(a)	

2. Please provide your comments on this application

If you need more space, please attach additional pages. Please include your name, page numbers and the project name on the additional pages.

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

TAURANGA MOANA IWİ CUSTOMARY FİSHERIES TRUST

Cultural Values Summary for Fast-Track Consent Process

1. Introduction

The proposed Stella Passage Development within Te Awanui (Tauranga Harbour) is situated in an area of significant ecological and cultural importance to Ngāti Ranginui, Ngāi Te Rangi, and Ngāti Pūkenga. These activities within Te Awanui must recognise and protect these interests through genuine partnership and inclusion in proposed consent conditions.

TMICFT, as the mandated customary fisheries authority for Tauranga Moana, has statutory and cultural responsibilities to safeguard taonga species and habitats within and surrounding the Mātaitai Reserve. It is therefore essential that TMICFT is actively involved in the assessment, monitoring, and decision-making processes to uphold kaitiakitanga obligations.

In considering this application, the EPA is required to take into account to the principles of Te Tiriti o Waitangi and to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral water, sites, wāhi tapu, and other taonga (Resource Management Act 1991, sections 6(e), 7(a), 8). TMICFT emphasises that the Stella Passage development must be assessed in light of these obligations, ensuring that customary fisheries management and mātauranga Māori values are integrated into environmental monitoring and mitigation measures. Recognition of TMICFT as a key partner in implementing consent conditions is essential to maintaining the integrity of kaitiakitanga and protecting the mauri of Te Awanui.

2. Context and Concerns

TMICFT has opposed the Port of Tauranga Stella Passage development application based on recent kaimoana survey results, which indicate further decline within an already unsustainable local fishery. Data from the Kaimoana Restoration Programme (KRP) shows unsustainable declines for kaimoana within the Mātaitai Reserve, reflecting ecological imbalance and cultural distress that cannot withstand further disturbance¹. There remains a significant misalignment between cultural assessments and ecological or scientific evaluations, resulting in an incomplete understanding of the project's cumulative effects on taonga species.

It is critical to note that the Port of Tauranga failed to complete the required monitoring of the kaimoana reserves under its current consents for seven years. This failure has resulted in a serious lack of comprehensive monitoring data as to the true levels of decline in the fishery and the impacts of the existing activities. The proposed application conditions do not address this previous failure, nor do

¹ Kettle, T., & De Luca, S. (2024). *Monitoring in the Tauranga Moana mātaitai reserve Report*: Summary of survey data collected for 2024. Report prepared by Boffa Miskell Limited for Port of Tauranga and Tauranga Moana Iwi Customary Fisheries Trust

Alestra, T., & Kettle, K. (2025). *Te Paritaha pipi monitoring*: November 2024 data summary. Report prepared by Boffa Miskell Limited for Port of Tauranga

they provide appropriate adaptive management conditions to ensure that the fishery recovers and is appropriately protected from further harm.

TMICFT holds statutory responsibilities as tangata kaitiaki of the Tauranga Mātaitai Reserve, an area established to protect and restore depleted customary fisheries. The proposed development is directly adjacent to and likely to impact the Mātaitai Reserve, undermining ongoing efforts to recover kōura, pāua, and other taonga species. The lack of recognition of these obligations and the insufficient integration of mātauranga Māori and scientific knowledge within the assessment process are of major concern.

TMICFT is the legally recognised body for customary fisheries governance for Tauranga Moana under the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the Fisheries (Kaimoana Customary Fishing) Regulations 1998. The Trust has worked with the Port of Tauranga since 2013 through the Kaimoana Restoration Programme (KRP) governed by previous consent conditions (65806, 65807). However, our authority has been undermined by underfunding, exclusion from decision-making, and the seven-year gap in kaimoana monitoring as per the consent conditions (2016–2022). These failures demonstrate the need for enforceable consent conditions that enable TMICFT to act in a co-management role rather than in consultation.

TMICFT has reviewed the outcomes and learnings from previous consent conditions alongside recent taonga species monitoring results, noting that annual kaimoana surveys were not conducted for most of the consent term. Our concerns stem from the absence of recognition of the TMICFT's statutory role within the proposed consent conditions (by the Port of Tauranga), omission of the Kaimoana Restoration Plan (KRP) results from the ecological assessment, lack of incorporation of mātauranga Māori values, and unaddressed cumulative effects on taonga species. These are serious omissions by the Port of Tauranga in presenting a true picture of the adverse environmental effects of the existing effects on the customary fishery, and consequently in their assessment of the cumulative effects of the present application.

TMICFT views this application as a continuation of marine degradation that will further erode the mauri and customary value of Tauranga Harbour. The proposal does not adequately address cumulative effects or provide appropriate mechanisms for iwi decision-making, mātauranga Māori integration, marine restoration, or co-management of the impacted areas. Appropriate conditions developed in conjunction with tangata whenua and TMICFT are vital and must be provided for by the Panel in the absence of the Port refusing to engage meaningfully despite our attempts to have these discussions.

3. Cultural and Ecological Evidence of Degradation

The kaimoana surveys (referenced above), validates the unsustainable state of taonga species within the Mātaitai Reserve and adjacent areas. Declines in mature pipi, pāua, kōura, and kina reflect ecological imbalance and cultural distress. Sediment accumulation beneath wharves and altered hydrodynamics have compounded these issues. Marine mammals and seabirds such as kororā and kuaka face habitat loss or displacement. Cultural practices of manaakitanga, wānanga, and whānau kai gathering are now compromised by the absence and or potential contamination of kaimoana.

4. Legal Frameworks and Fast-Track Obligations

The Port's application must be assessed against the Fast-Track Approvals Act 2024, the RMA 1991 (particularly s5, s6(e), s7(a)), the NZCPS 2010, the BOP Natural Resources Plan, and the Fisheries (Kaimoana Customary Fishing) Regulations 1998. These frameworks affirm the legal authority of TMICFT, the status of the adjacent Mātaitai Reserve, and the need to protect taonga species and uphold tikanga. The Tauranga Moana Iwi Management Plan 2016–2026 also provides strong policy direction opposing dredging and prioritising restoration of mauri of Te Awanui.

TMICFT is concerned that the fast-track process narrows tangata whenua participation and limits proper assessment of cumulative and intergenerational effects, contrary to the intent of Te Tiriti partnership.

5. Te Tiriti o Waitangi and Cultural Disconnection

The Stella Passage proposal exacerbates Treaty breaches identified in previous inquiries such as Wai 215, including alienation from kaimoana beds, exclusion from decision-making, and destruction of culturally significant sites. Te Awanui is not a development zone but a living taonga with intergenerational whakapapa and cultural obligation. The ability of tangata whenua to fulfil kaitiakitanga is compromised by loss of access, degraded habitats, and ongoing industrial encroachment. Exclusion of TMICFT from advisory and governance roles is culturally unacceptable and inconsistent with Article II of Te Tiriti o Waitangi.

6. TMICFT's Proposed Conditions

To protect and restore customary fisheries, TMICFT recommends that the following conditions be included if the project is approved by the EPA:

- Establish a TMICFT-led Kaimoana Enhancement Programme (KEP) for Te Awanui and the Mātaitai Reserve, to be appropriately funded by the Port of Tauranga.
- Create an annual Customary Fisheries Levy (CF Levy) tied to import/export volumes to support the expense of ongoing restoration.
- Resource the expertise of Tangata Whenua Kaitiaki for long-term monitoring and mātauranga-based data collection and analysis as opposed to external third-party contractors with no connection to Tauranga Moana.
- Restore kaimoana nurseries and remove benthic sediment build-up beneath wharves.
- Ensure TMICFT governance representation in all monitoring, advisory, and marine protection plans.

These measures would help restore balance between environmental impact and cultural wellbeing, embedding kaitiakitanga as a foundational principle of marine management.

7. Conclusion: Partnership, Protection, and Restoration

TMICFT opposes any development that proceeds without meaningful partnership, legal compliance, and robust cultural and environmental safeguards. We urge the Panel to require the inclusion of TMICFT in all aspects of consent governance and implementation. The future of Te Awanui and its taonga depends on an approach grounded in mātauranga Māori, guided by rangatiratanga, and implemented through true co-governance.

The Te Maunga o Mauao Mātaitai Reserve holds statutory protection under the Fisheries (Kaimoana Customary Fishing) Regulations 1998, which prohibit commercial fishing activity and recognises tangata whenua management authority. Any works adjacent to and within the reserve must acknowledge this legal status and TMICFT's mandated role.

Te Awanui is not a development corridor but a living taonga whose mauri embodies the wellbeing of our people. Further degradation threatens both the ecological balance and the intergenerational transmission of mātauranga and tikanga.

This feedback draws from the Cultural Values Report submitted to the Port of Tauranga and represented by TMICFT. All cultural knowledge remains the intellectual property of tangata whenua and is shared for the purpose of informing decision-making on this proposal.

Additional to my role in TMICFT, I submit this statement in my capacity as a tāngata kaitiaki formally appointed under the *Fisheries (Kaimoana Customary Fishing) Regulations 1998* for the Tauranga Moana Mātaitai Reserve, and as a Māori marine scientist actively engaged in marine restoration, fisheries management and research in Tauranga Moana.

As a tāngata kaitiaki, I hold a statutory responsibility in the management and protection of customary fisheries within the Mātaitai Reserve. This includes ensuring the sustainability of taonga species and upholding the mana and mauri of our rohe moana.

Tauranga Moana Iwi Customary Fisheries Trust

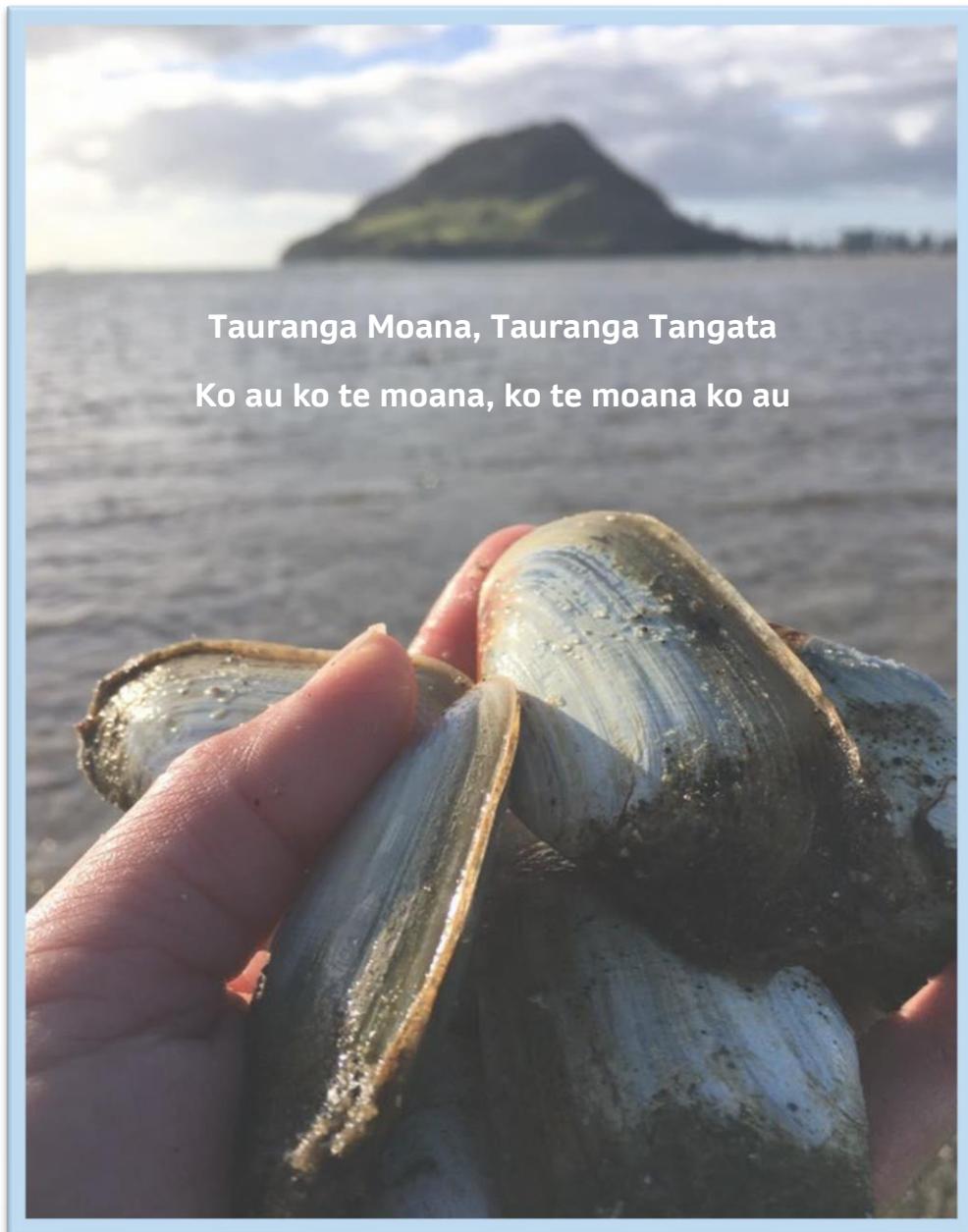
Chairperson

Kia Māia Ellis

Date 3 /11/ 2025

CULTURAL VALUES REPORT

Proposed Stella Passage Development



Tauranga Moana, Tauranga Tangata

Ko au ko te moana, ko te moana ko au

Submitted to the Port of Tauranga by:



TAURANGA MOANA IWI CUSTOMARY FISHERIES TRUST

Assessment of Potential Effects on Customary Fisheries from the Proposed Stella Passage Development of the Port of Tauranga

Table of Contents

Mihi	2
Intellectual Property and Cultural Knowledge Statement	3
1. Executive Summary.....	3
2. Tauranga Moana Iwi Customary Fisheries Trust: Basis for CVR recommendations	4
3. Report Development, Scope and Limitations.....	5
4. Proposed Stellar Passage Development and Scope of Location	7
5. Tauranga Moana Iwi Customary Fisheries.....	10
6. Te Maunga o Mauao Mātaitai Reserve	14
7. Kaimoana Restoration Programme – Evidence of Decline.....	16
8. Marine Ecology and Decline of Taonga Species	19
9. Hydrodynamics, Sediment and Toxins	19
10. Marine Mammals and Independent Kaitiaki Monitoring.....	21
11. Avifauna and Loss of Roosting Habitat	21
12. Legislation	22
13. Tauranga Moana Iwi Management Plan	28
14. Cultural Disconnection and Potential Breaches of Te Tiriti	30
15. Review of Proposed Conditions.....	31
16. The Failings of the Fast-Track Process	34
17. Conclusion.....	34
References	36

Table of Figures

Figure 1. Proposed Stella Passage Development satellite image	8
Figure 2. Proposed wharf reclamations, dredging resource consent drawing.....	8
Figure 3. Outline development plan – future wharf extensions, reclamation and dredging 2025	9
Figure 4. 2010 Plan: Maintenance dredging and spoil disposal sites from previous consents 65807/07	9
Figure 5. Gazetted rohe moana of Tauranga Moana Iwi Customary Fisheries	11
Figure 6. Aerial photo taken 16 January 1959 compared to a satellite image of 2024.....	13
Figure 7. Te Maunga o Mauao Mātaitai Reserve 2008.....	15
Figure 8. Grid 1 in Red – Te Paritaha Pipi Monitoring Survey Design by Boffa Miskell 2023 Report	16

Mihi

Tangaroa wai noa, Tangaroa wai tapu,
Nōu ko te ngāwari, nōu ko te marino,
Nōu ko te hōhonu, nōu ko te wai noa,
Nōu ko te wai tapu, nōu ko te wai noa.

Ko Tangaroa, ko Hinemoana, me whakanoa, me whakatapua ē...

Haumi ē hui ē, taiki ē!

Mai i ngā kurī a Whārei ki Tihirau.

Ko Mataatua, ko Takitimu ngā waka.

Ko Te Awanui te awa e riporipo ana mai nei.

Ko Mauao te maunga tohu e tū rangatira mai nei.

Ko Tauranga Moana ko Tauranga Tāngata.

Tihei mauri ora!

Intellectual Property and Cultural Knowledge Statement

This Cultural Values Report (CVR) contains mātauranga Māori, whakapapa-based narratives, and expressions of tikanga that are the intellectual the iwi and hapū of Tauranga Moana, represented here by the Tauranga Moana Iwi Customary property of Fisheries Trust (TMICFT). This knowledge has been shared for the specific purpose of informing and guiding decisions regarding the proposed Stella Passage development. It reflects intergenerational relationships with Te Awanui and is grounded in the obligations and responsibilities of tangata whenua as kaitiaki. All rights to this knowledge remain with TMICFT and the respective iwi and hapū of Tauranga Moana. Public availability of this document does not equate to public ownership of its cultural and intellectual content. **No part of this document may be reproduced, distributed, cited, or used beyond its intended context without the prior written consent of TMICFT.**

1. Executive Summary

This Cultural Values Report (**CVR**) has been prepared by the Tauranga Moana Iwi Customary Fisheries Trust (**TMICFT**) in response to the Port of Tauranga's proposed Stella Passage and Dredging Reconsenting application under the Fast-track Approvals Act 2024 (**FTAA**). The proposed development entails significant dredging, reclamation, and wharf construction activities in Te Awanui (Tauranga Harbour), within the sacred and sovereign geographic zone of Ngāti Ranginui, Ngāi Te Rangi, and Ngāti Pūkenga.

- ❖ **TMICFT is strongly opposed to the Port's resource consent application. This CVR sets out significant historical, ecological, cultural, economic and spiritual risks, in particular the combined cumulative effects of degradation and alienation of our rohe moana.**

Mitigation measures proposed by the Port have not alleviated our concerns and do not go anywhere near far enough to address the significant adverse effects of the proposed activity. The Port's application, even with the proposed conditions, represents a continuation of the historical pattern of encroachment upon our marine spaces, undermining the whakapapa relationships between tangata whenua and Te Awanui (*this point is elaborated in detail in section 5*).

- ❖ **As mana whenua, we stress that this project and its impacts must be considered holistically, and placed within the broader historical context of Tauranga Moana, including TMICFT's obligations and rights as custodians to prioritise and protect the mauri (life and vitality) of this zone.**

The Port has presented technical assessments based on the *current* status of Te Awanui and seeks only to mitigate against potential negative effects resulting from the present application, without reference to the cumulative environmental degradation Te Awanui has already endured over time.

- ❖ **TMICFT takes issue with the absence of an extended baseline for assessment within the current proposal. We draw attention to the requirements in the FTAA for the assessment of environmental effects to provide an assessment of matters under s 5, 6 and 7 of the Resource Management Act 1991 (RMA) as well as the numerous matters listed in Schedule 5 of the FTAA in clauses 5-8 which are required to be included in the assessment of environmental effects. TMICFT's position is that there is ample statutory requirement for POTL to provide an extended historical and cultural baseline assessment and in not doing so, the application assessment has clear and significant gaps.**

We also raise serious concerns with the fast-track process. Under the RMA, the natural environment is prioritised, and the statutory process allows greater scope and timeframes for meaningful Māori engagement. In contrast, the fast-track process focuses on much narrower and explicitly defined obligations arising from specific Treaty settlement legislation. We see this as a diminishment of responsibility on the part of the Crown to also act to ensure protection against *future* Treaty breaches and seriously undermines the broader, lived responsibilities of mana whenua as kaitiaki and the full expression of Te Tiriti partnership in environmental decision-making.

- ❖ **Opposition to this application is based on our working experience with the Port of Tauranga and their track record in meeting existing consent conditions (discussed in detail in section 2: Tauranga Moana Iwi Customary Fisheries Trust: Basis for CVR Recommendations). In the event that the panel considers granting the Port's consent application, TMICFT insists on a minimum set of conditions to ensure TMICFT can continue its responsibility as Tangata Kaitiaki of Te Maunga o Mauao Mātaitai Reserve to more effectively manage customary fisheries in these important traditional fishing grounds (these conditions are set out in section 6: Review of Proposed Conditions).**

2. Tauranga Moana Iwi Customary Fisheries Trust: Basis for CVR recommendations

TMICFT is well placed, experienced, and uniquely informed to critique the technical assessments presented by the Port of Tauranga - not only because of our unbroken whakapapa links to the area, but because we have been working in conjunction with the Port on The Kaimoana Restoration Programme (KRP) since 2013. Resource consent conditions of consents 65806 and 65807 allowed us to 'give advice to' the implementation of taonga species monitoring and recommend potential enhancement projects within the Mātaitai reserve that incorporate mātauranga Māori.

Under previous capital dredging consent 65806, the Port of Tauranga was instructed to develop a KRP in **close conjunction** with TMICFT (results discussed in section 7 of this assessment). This provides us with a uniquely informed position in the fast-track process regarding how well the previous consent conditions were designed and where they failed to effectively provide for the requirements of their purpose. Some taonga species are seriously unsustainable and require much better provisions for replenishment.

While we appreciated the intent behind the development of the KRP, the structure of its delivery failed to achieve its purpose **to determine and mitigate the actual and potential loss of kaimoana by identifying methods and techniques to ensure the ability of Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga and their Hapū to collect the kaimoana species that are affected by the works authorised by the consents maintained.**

Between 2016 - 2022 for six years, the monitoring required under the previous consent conditions was not undertaken despite concerns raised by TMICFT requesting to seek a new research provider that could deliver on the work required. TMICFT were not afforded any decision-making powers under the previous resource consent, and as a result **6-7 years went by without any monitoring of the effects on taonga kaimoana species resulting from the dredging.**

This resulted in an unacceptable gap in monitoring, information and knowledge on the impacts of the existing dredging on kaimoana within the application area and has created a stark information gap that the present application cannot rectify in terms of the missing information for assessment of cumulative effects. After intervention from Bay of Plenty Regional Council compliance, this was rectified in 2023. The KRP monitoring is currently implemented by a new provider, Boffa Miskell.

It is also evident that the allocated budget of \$50,000 per annum to implement the KRP was wholly inadequate, failing to reflect the scale, complexity, and cultural significance of the work required. All of these issues must be addressed and rectified.

3. Report Development, Scope and Limitations

This CVA is considered a live document to be discussed and amended as required to achieve effective fisheries and ecosystem sustainability outcomes for Tauranga Moana.

CVR Procurement:

TMICFT agreed to provide expert cultural specialist advice for the Port Fast Track consent application for Stella Passage development. The CVR assesses the effects of the Stella Passage development and reconsenting that incorporates both mātauranga Māori and scientific perspectives. TMICFT strongly asserts that the scientific assessments must look deeper into the cumulative effects of the Port's proposed plans.

The CVA highlights the obligations of both the Port and the EPA panel to Treaty settlement obligations. The position of TMICFT relates to the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 and the related Fisheries (Kaimoana Customary Fishing) Regulations 1998, and the Mātaitai reserve that encompasses Mauao. The CVR assesses the potential effects of the fast-track project on the cultural values, rights and interests of TMICFT.

Engagement

Attendance at engagement meetings with the Port and its consulting team was important to gain a better understanding of the scope of the project and the technical assessments of effects.

The engagement process provided the opportunity to discuss and ascertain where participating iwi and hapū parties were in alignment. TMICFT specifically engaged in this process to gain a good understanding of what Tauranga Moana iwi and hapū thought about the Stella Passage development and reconsenting plans. This assisted with our limited ability to engage widely with our three iwi and many hapū within the restricted timeframe. The effect of kotahitanga and alignment between the parties participating was positive.

Assessments of effects were presented by a team of consultants that included reports on Economics, Landscape, Hydrodynamics and Sediment, Avifauna, Construction Noise, Navigation, Marine Ecology, Air Quality and Marine Mammals. This was crucial to understanding the perspectives that assessments were based on, and provided mana whenua groups the opportunities to ask questions of the consulting team.

CVR Team:

Kia Māia Ellis, Trustee (Ngāi Te Rangi) and Chairperson of TMICFT, led the CVR with the support of trust members, Josie Ririnui (Ngāti Ranginui) and Rehua Smallman (Ngāti Pukenga). Kia Māia has expertise in marine science / mātauranga Māori and is currently a lead advisor for the KRP monitoring and restoration. She is a PhD candidate in marine science at the University of Waikato.

Nadine Hura, an experienced writer with extensive expertise in Māori research and policy, joined the team as an advisor, co-author and peer reviewer for the CVR development.

Tania Waikato and Victoria Tumai, environmental law specialists from Tamaki Legal developed the legislative section of the CVR and assisted with the recommended conditions and peer reviewed the CVR.

Trustees of TMICFT reviewed and provided feedback for the CVR then gave endorsement for its submission to the Port.

Content:

This report is designed to address the effects on the sustainability of the marine environment and taonga species of the Tauranga rohe moana. With regard to the proposed fast-track project, the Mātaitai Reserve and all fishing grounds within it (including Mauao, Motuotau, Moturiki, and Te Paritaha) are the primary concern given their proximity to the proposed development and reconsenting plans.

The CVR specifies examples of the immensity of loss that our customary fishery has sustained in the wake of economic development of the Port since the early 1900's.

TMICFT has delivered an assessment addressing the effects of the Stella Passage development and reconsenting on marine ecology and taonga species, the domain where our role is centred.

TMICFT provides key insights into the results of the KRP which contains data that supports our view that key Mātaitai reserve taonga species are no longer sustainable for future generations without serious intervention. The KRP has been in operation for 12 years however, the results are far from positive.

Sections 12: Legislation, 13: Iwi Management Plan Review, and 14: Cultural Disconnection and Potential Breaches of Te Tiriti clearly outline the expectations expressed by the law, policy documents and the Treaty of Waitangi.

TMICFT are in opposition to further Port development that undermines the mauri of Te Awanui. This is clearly what our iwi and hapū are expressing. However, given the expediency of the FTAA process, there is a section on recommended conditions should the EPA consider granting this consent.

Limitations

The restricted timeframe to first understand the new FTAA process and then to review the multitude of technical assessments exacerbated the ability to widely engage with our people. It also restricted our ability to access available experts within a short timeframe. Immense quantities of information needed to be reviewed by our small team within a small window of time.

4. Proposed Stellar Passage Development and Scope of Location

The development is proposed in two parts:

Part One: Western Harbour (Sulphur Point) 385m wharf extension, creating a third berth south of the existing wharf. Reclamation of 1.81ha of marine space.

Part Two: Eastern Harbour (Mount Maunganui), 315m wharf extension, south and mooring dolphins to be added. Reclamation of 1.77ha of marine space. Construction is estimated to take a couple of years to complete.

The proposed wharf extension areas are located on both the Sulphur Point and Mount Maunganui sides of Te Awanui (Stella Passage), as shown in Figure 2, marked by blue slashed lines. Behind these extensions, the blue dotted areas on both sides indicate the extent of the main reclamation zones. The area outlined in green represents the proposed dredging zone, which is intended to reach a depth of 16 metres. The red-outlined area illustrates the proposed extent of the Stage 1 shipping channel extension, covering approximately 6.1 hectares. Additionally, on the Mount Maunganui side, the squared blue icons identify the proposed installation of berthing dolphins, which are intended to replace the need for further southward wharf extension.

Additional Capital and Maintenance Dredging Reconsenting Project

The Port is also seeking additional approvals to renew previous consents - namely the 'Capital and Maintenance Dredging Reconsenting Project'. These should not be viewed separately but part and parcel of the same project. TMICFT is responding to both this application and the reconsenting project within this CVR.

- Resource consent 62920 capital dredging: seeking new consent
- Resource consent 65806 dredging and deposition: seeking reconsent
- Resource consent 65807 discharges and deposition ancillary to dredging: seeking reconsent

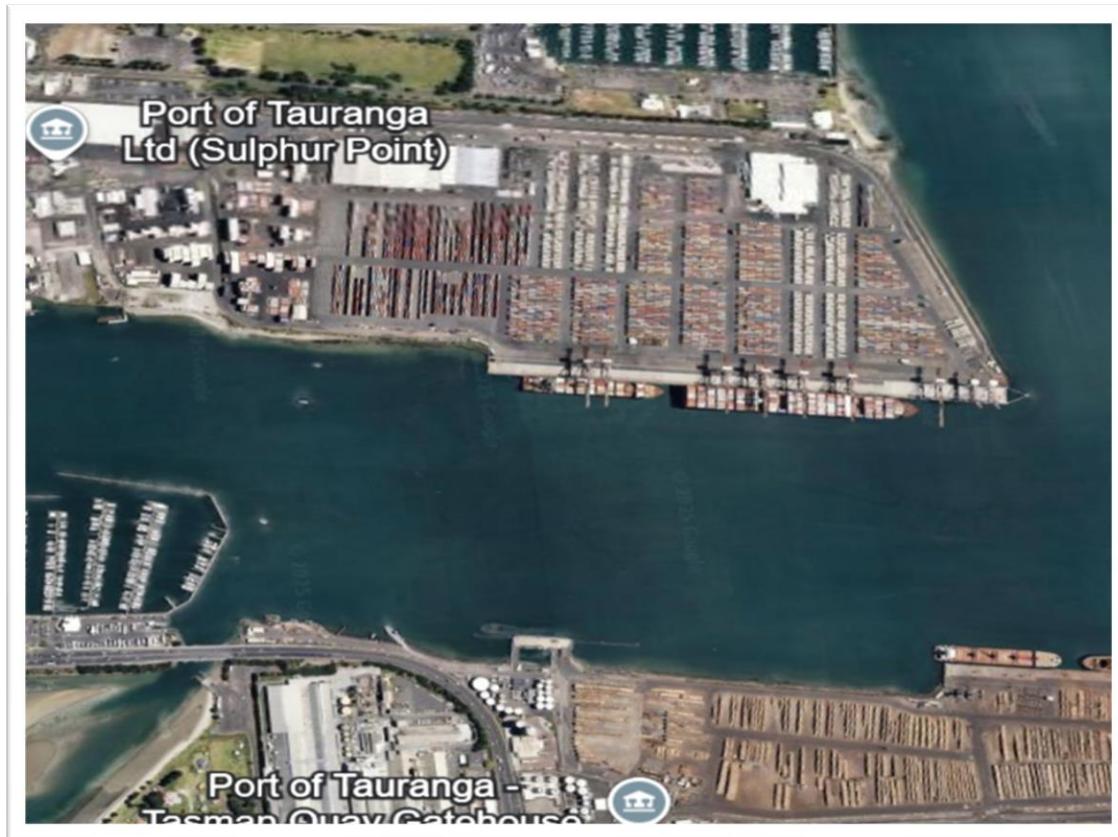


Figure 1. Proposed Stella Passage Development satellite image

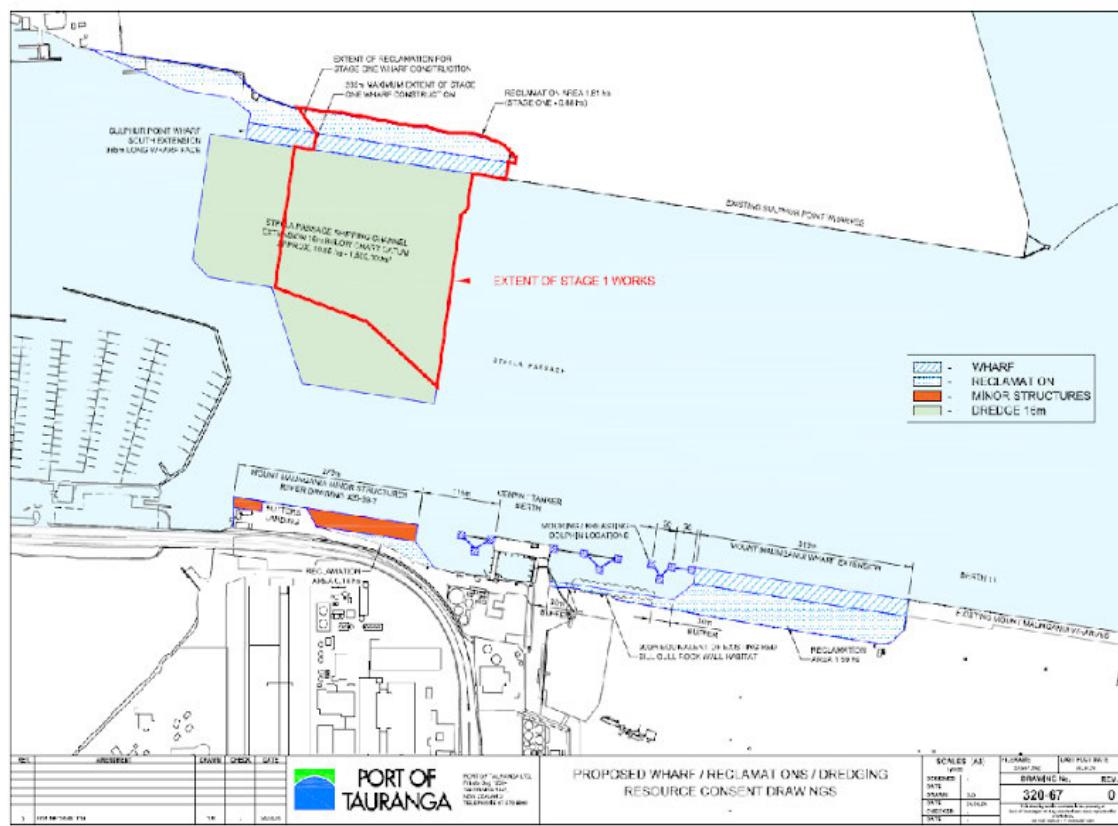
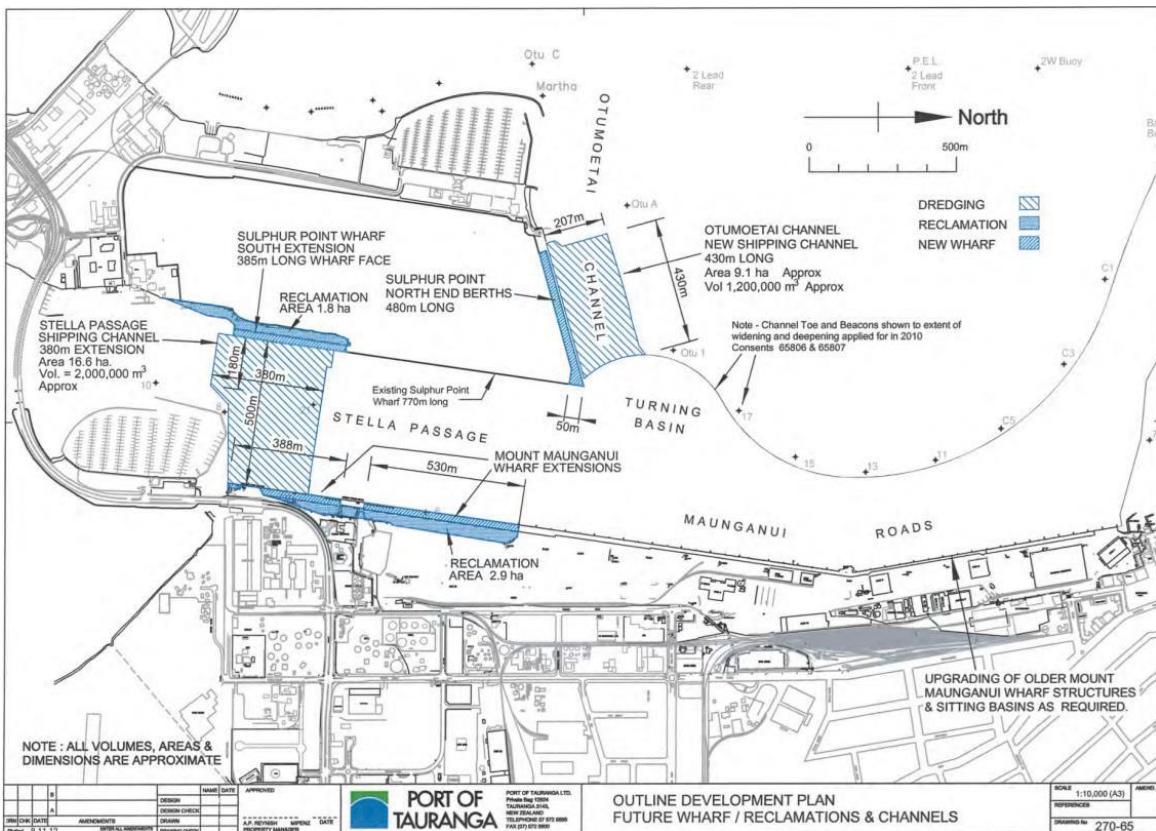


Figure 2. Proposed wharf reclamations, dredging resource consent drawing

The scope of the proposal includes additional capital and maintenance dredging 'reconsenting'. From a cultural perspective, this must be considered within the same project scope.



5. Tauranga Moana Iwi Customary Fisheries

Tauranga Moana iwi are a coastal people, with marae strategically placed along the coastal foreshores of our rohe. Each marae has its own pātaka kai, relied on to sustain our people, including pipi, pāua, kina, kuku, and kōura and many other species of fish and shellfish. Our iwi have a long and proud whakapapa of waka voyaging and celestial navigation. Our whakapapa (genealogy) intrinsically connects our people to our environment. In other words, we *are* our lands, our waters, our taonga.

The phrase ‘culturally significant’ often lacks meaning and emotional intent. Likewise, ‘customary fishing rights’ tends to diminish the full extent of the nature of our relationship to the sacred places discussed in this report. For the purposes of clarity, when we describe our relationship as culturally significant, we are referring to relationships of whakapapa. These relationships form part of the fundamental and central features of our identity as Ngāti Ranginui, Ngāi Te Rangi, and Ngāti Pūkenga. Our tūpuna (ancestors) lived and thrived on these lands and within the abundance of the harbour and coastline, following strict sustainability (or ‘customary fishing’) practices. The destruction of these relationships by successive colonial governments was the subject of our Treaty of Waitangi Claim, Wai 215. These grievances, along with subsequent fisheries settlement legislation, ultimately led to the establishment of the Tauranga Moana Iwi Customary Fisheries Trust.

Our mandate for Tauranga Moana Iwi Customary Fisheries Trust, stretches across the rohe moana referred to as ‘Mai i ngā Kuri ā Whārei ki Wairākei’, encompassing the entirety of the harbour and extending to offshore islands Kārewa, Tūhua and Mōtītī. Within this rohe, the Mauao Mātaitai Reserve was established in 2008 as a legislative and cultural mechanism to manage and safeguard taonga species. Our role as TMICFT is to ensure that our taonga are healthy, abundant and protected through the management and enforcement of strict sustainability practices. We aim to support restoring, improving and protecting the mauri of Tauranga Moana to help to return it back to its healthy and abundant state.

- ❖ **We believe that the fast-track application by the Port of Tauranga for the construction of the Stella Passage and the Dredging Reconsenting is a direct threat to our work and to our Treaty settlement rights. We are not satisfied that the proposal in its current form adequately addresses our concerns, or that its benefits in either economic or environmental terms outweigh its potential risks and significant adverse effects.**

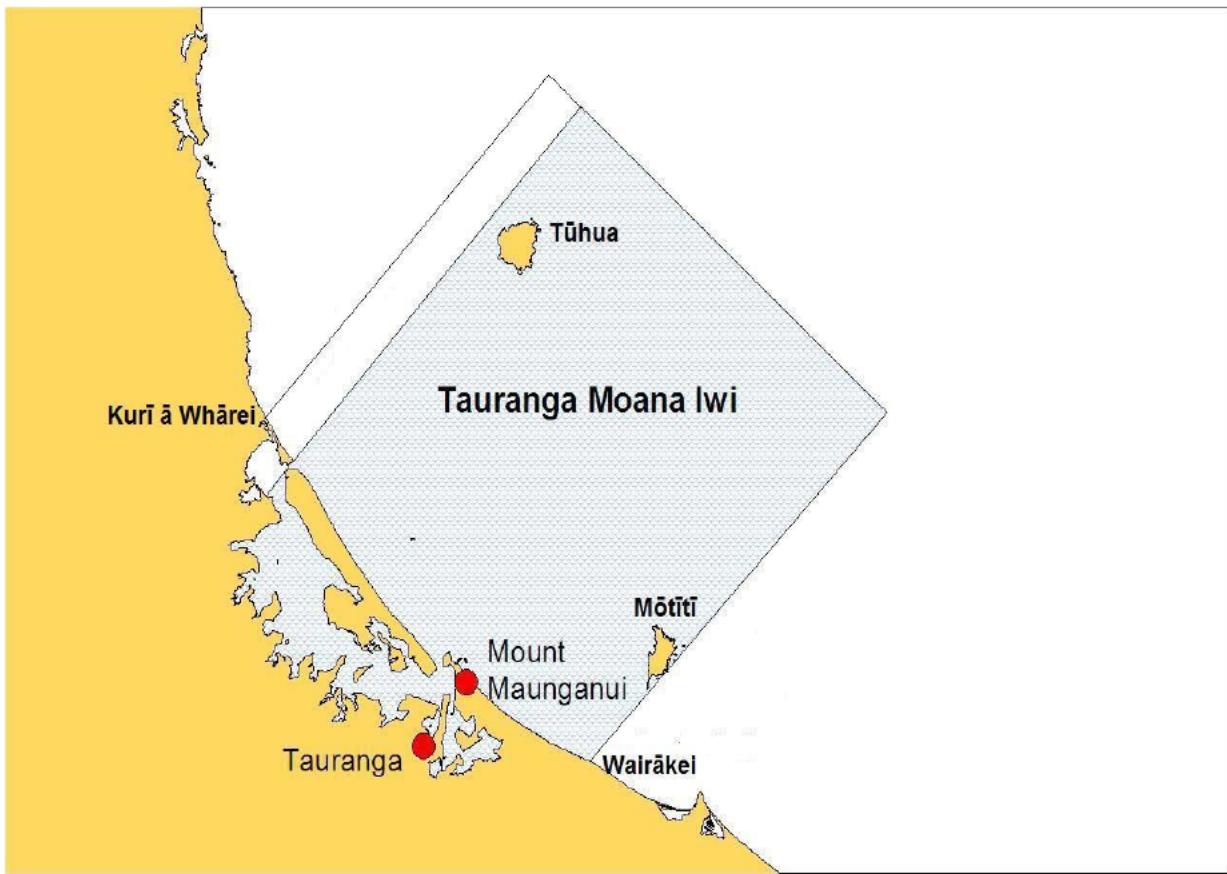


Figure 5. Gazetted rohe moana of Tauranga Moana Iwi Customary Fisheries

Tauranga Moana Iwi Customary Fisheries Trust Values and Principles

Value	Principle
Kaitiakitanga	Guardianship of resources; promoting best practices, pursuing quality, and sustainability of the moana and its taonga within.
Oranga	Ensuring the welfare and sustenance of all living things remains sustainable.
Wairuatanga	Honouring the spiritual dimension of the moana and sustaining its life force across all living things.
Aroha	Demonstrating care, love, and respect for people and the moana.
Mātauranga	Sharing ancestral wisdom equal to knowledge from the modern world.
Awhina	Offering assistance and care to ensure health and safety are not compromised.
Mahi Tahi	Collaborating and sharing knowledge to achieve better collective outcomes.

Traditional Fishing Grounds

Tauranga Moana Iwi have many traditional fishing and diving sites that illustrate deep connections to the moana over many generations. Some of these places no longer exist, and some are here for us to protect and sustain for future generations. There are many more traditional fisheries in the rohe moana which were the reference points for the establishment of the Tauranga Rohe Moana under Fisheries Settlement legislation. These key sites were selected to highlight the connection to customary fisheries for the CVR.

Location	Significance
Mauao	<i>Mātaitai Reserve</i> . Wāhi tapu, ancient pā sites. Pātaka kai, traditional fishery. Significant moana sites around Mauao include <i>Tanea Shelf</i> , <i>Te Kuia</i> , <i>Ngā Kuri Neko a Tarawhata</i> , <i>Te Toka a Tirikawa</i> , <i>Te Awaiti</i> , <i>Te Puapuanui</i> and <i>Hinekite</i> .
Mōtītī	Pātaka kai, traditional fishery.
Tūhua	Pātaka kai, traditional fishery. <i>Marine Reserve</i> .
Kārewa	Pātaka kai, traditional fishery, Tītī (mutton bird colony), Tuatara, Taurikura Ancestor.
Moturiki	<i>Mātaitai Reserve</i> . Pātaka kai, traditional fishery. Historic pā site.
Motuotau	<i>Mātaitai Reserve</i> . Pātaka kai, traditional fishery. Historically significant.
Te Marutuahu	<i>Mātaitai Reserve</i> . Pātaka kai, traditional reef fishery. Previously under rāhui for kutai (green-lipped mussels).
Omanu	Pātaka kai, traditional fishery.
Te Awanui	<i>Mātaitai Reserve</i> . Pātaka kai, traditional harbour fishery, shellfish beds.
Te Paritaha	<i>Mātaitai Reserve</i> . Pātaka kai, historically renowned for pipi and tuangi. Partially destroyed for Port development , now known as Sulphur Point.
Taumata Kahawai	Pātaka kai, traditional harbour fishery. Renowned for kahawai.
Waikorīre	<i>Mātaitai Reserve</i> . Pātaka kai, traditional harbour fishery, ika, pipi, tuangi.
Te Maire	Pātaka kai, traditional fishing reef known for tāmure (snapper) destroyed for Port development .
Tūparehuia	Pātaka kai reef fishing ground known for kahawai likely destroyed for Port development .
Te Awa o Tukorako	Pātaka kai, renowned tuna (eel) fishery. Wāhi tapu. Destroyed for industrial development .
Waipū, Waikareao, Waimapu, Rangataua	Pātaka kai traditional fishery. Renowned for many taonga ika and shellfish. Severely impacted by sedimentation, mangroves, sewage pipelines, and bridge causeways.

Loss of Traditional Fishing Grounds

The degradation of customary fisheries translates to profound cultural and spiritual losses for Tauranga Moana iwi. The sense of loss weighs heavily on Tauranga Moana iwi. Development around the harbour margins has reduced access to traditional kaimoana fisheries and other customary sites.

Erosion of Traditional Practices: The inability to gather kaimoana disrupts the transmission of mātauranga Māori (Māori knowledge) and the practice of tikanga (customary protocols).

Diminished Mana: The loss of resources essential for manaakitanga (hospitality) within our many marae and community gatherings affects the mana (prestige) of iwi and hapū, as their ability to provide for guests and uphold social obligations is compromised.

Spiritual Disconnection: The health of the marine environment is intrinsically linked to spiritual well-being. Environmental degradation severs the spiritual bond between tangata whenua (people of the land) and their ancestral waters.



Figure 6. Aerial photo taken 16 January 1959 compared to a satellite image of 2024

The left image of Figure 6 is an aerial photograph captured prior to the development of Sulphur Point, Mount Wharves and Tauranga Harbour Bridge (Te Ao Mārama- Tauranga City Libraries Map 23-131). The right satellite image shows how much of the fishery has been lost to development. These important fishing grounds including part of Te Paritaha can no longer be accessed without a boat and the coastal foreshores north of Whareroa Marae are inaccessible. They have been destroyed or damaged by developments that support the economy and caused profound cultural and spiritual losses for our people. This is one example to show the extent of loss caused around the Port area.

6. Te Maunga o Mauao Mātaitai Reserve

The Mātaitai Reserve, established in November 2008, is the only kai moana gathering place along the coastal area of Tauranga Moana that contains a variety of taonga species not readily found in such diversity along the nearby coastline. This includes: pipi, pāua, kina, kutai, kōura and many other species of shellfish and fish.

As Tāngata Kaitiaki of the Mātaitai Reserve, TMICFT has the responsibility to ensure the health and sustainability of these taonga and the ecosystems of the specified area outlined in Figure 7. Our role is to enable fisheries management of kaimoana for customary purposes, establishing bylaws to manage the catch limit, size limit, and restrictions in relation to the method of catch for any species within the reserve.

There is a mātaitai reserve bylaw to limit the taking of mussels to 25 per person per day in comparison to outside the reserve which is 50 per person per day. Due to the population and size decline for several taonga species within the mātaitai reserve, TMICFT is investigating rāhui temporary closures for some taonga species.

We must stress that the Mātaitai Reserve is not merely a 'management zone.' Mātaitai is part of the living embodiment of our whakapapa; a source of identity, a life source, a food basket of sustenance for our people, and our ancestral connections to tūpuna past, and mokopuna yet to be born. In this sense, Mauao and the surrounding harbour and moana, are an anchor for the very identity of our people. All economic coastal developments must therefore actively work towards, and prioritise, the health, protection and abundance of the taonga of our moana for future generations.

He oranga taiao, he oranga tangata – A healthy environment equals healthy people



Tamariki pipi gatherers in the image above are Isiah King, Rider King, Tremain King, and Jada Tahau harvesting pipi from Te Paritaha with their Koro Des Tahau for Whakamoemiti at Te Whetu o Te Rangi Marae 2025. Location: Mauao Mātaitai Reserve. Following photos also in the Mātaitai Reserve (pēpi kōura, kina, kutai).

Te Maunga o Mauao Mātaitai Reserve

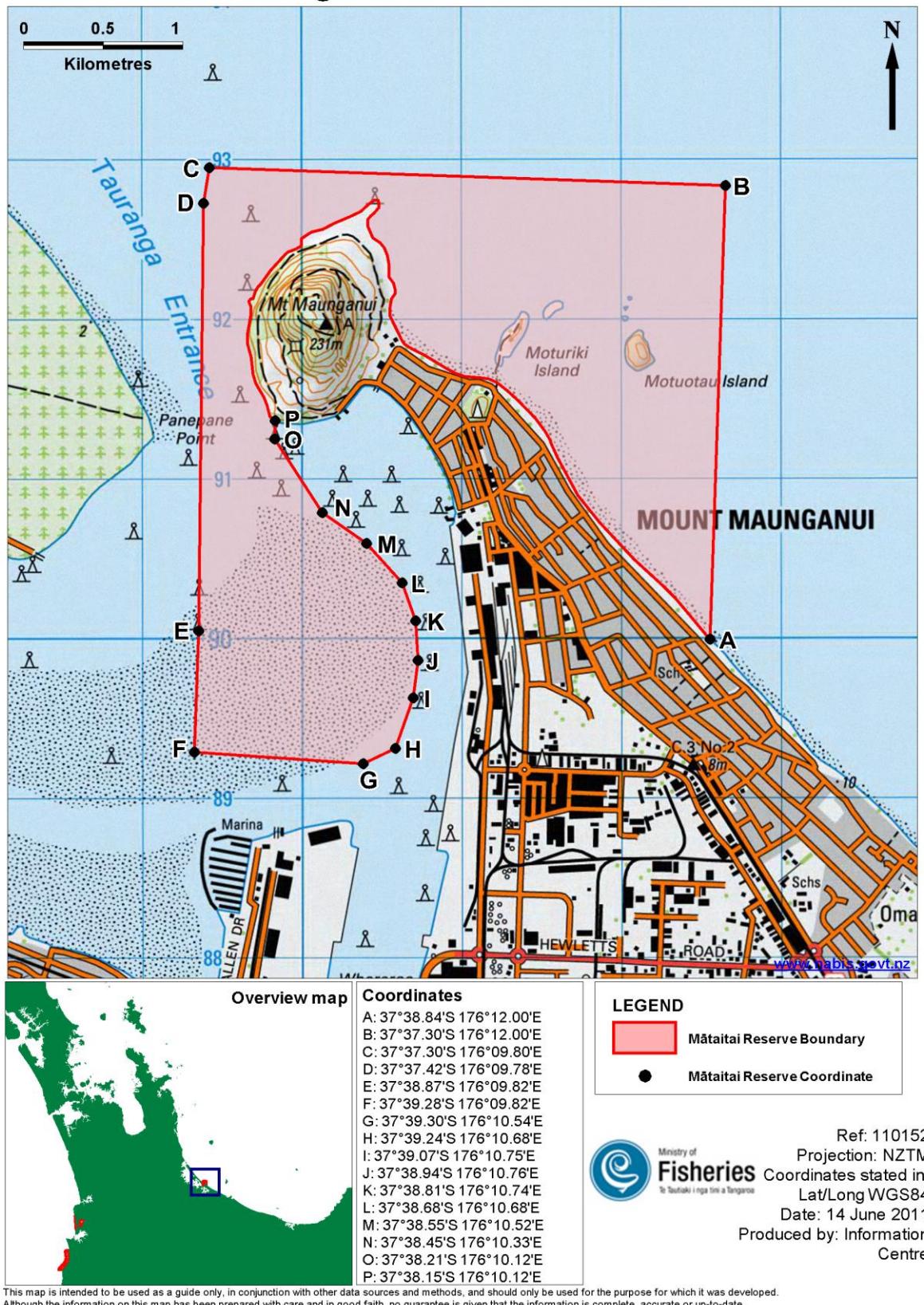


Figure 7. Te Maunga o Mauao Mātaitai Reserve 2008

7. Kaimoana Restoration Programme – Evidence of Decline

This information is provided by way of further evidence to support this assessment and the context for the proposed conditions. These reports are a product of collaboration between the Port, TMICFT and science providers. As such, the Kaimoana Restoration Programme must be used to inform and guide any future activities or decisions that might affect the area. As we seek to demonstrate below, the Kaimoana Restoration Plan, while a positive initiative, offers stark evidence of degradation of Te Awanui (Miskell, 2023a, 2023b).

- ❖ **Monitoring of pipi at Te Paritaha, and pāua, kina, kutai and kōura within the harbour and Mātaitai Reserve has shown troubling signs. Growth rates have declined, recruitment is inconsistent, and population densities remain below sustainable levels for most species studied. In particular, pāua, pipi, kōura and kina.**

Te Paritaha Pipi Bed

The health of pipi beds at Te Paritaha (Centre Bank) reflects the mauri (life and vitality) of the moana. Any change in the abundance or life stage distribution must be considered both ecologically and culturally. Declines in adult populations, sediment changes, or contaminant risks are not just environmental signals - they are cultural red flags that require a holistic, tikanga-based response. The cultural red flags include:

- **Significant reduction in adult pipi** populations across multiple sites (Grid 1 and Transects A–D), despite high juvenile recruitment.
- **Low presence of harvestable-sized pipi (>50 mm)** — a key cultural indicator to determine a sustainable or unsustainable gathering environment.
- **Alterations in sediment composition** across sites, including increases in medium-coarse sand and reductions in gravel/shell material — this affects pipi survivability and long-term bed stability.
- **Spatial variability in pipi size and density**, which may be linked to dredging, shipping activity, or construction in and around Te Awanui.



Figure 8. Grid 1 in Red – Te Paritaha Pipi Monitoring Survey Design by Boffa Miskell 2023 Report

These results collectively raise serious concerns from a cultural perspective, as they suggest an ongoing **interruption in the natural regeneration and maturity cycle** of pipi, likely impacted by human activity, including historical and ongoing dredging and reclamation works.

As kaitiaki, tangata whenua carry intergenerational responsibilities to ensure that taonga species like pipi are protected, nurtured, and sustained for future generations. The consistent absence of mature pipi across survey points, despite strong juvenile recruitment, undermines tikanga such as:

- **Whakawhanaungatanga with the environment** — we rely on these species to maintain cultural traditions, identity, and food sovereignty.
- **Manaakitanga through sharing of kaimoana** — the inability to harvest mature pipi for hui, tangihanga, or wānanga diminishes the ability to uphold mana in our relationships.
- **Rāhui and harvest protocols** — culturally appropriate limits on gathering are compromised when the resource is already depleted by environmental pressures.

The data confirms what whānau and kai gatherers already feel: pipi at Te Paritaha are under stress. The monitoring effort is appreciated, but unless it is tied to cultural action, protection, and restoration — it risks being a technical exercise that fails to uphold the **mana of Te Paritaha**, the **mauri of the moana**, and our **Treaty rights as kaitiaki**.

Mātaitai Reserve Taonga Species

Kina

The decline in kina abundance from 2023 to 2024 is concerning — especially at Mauao and Tanea Reef — even though size classes show mature individuals are still present. Kina are tohu species, and their wellbeing reflects broader ecological balance. Their decrease may signal deeper disturbances to the marine ecosystem, potentially from sedimentation, turbidity, or seabed modification.

Tikanga Implication: Kina abundance is often used to assess when rāhui or harvesting limitations should be imposed. These results support cultural caution and monitoring before harvesting resumes in affected areas.

Kūtai/Kuku (Green-lipped Mussel)

While the 2024 survey shows increasing kūtai cover at several sites (particularly Moturiki), the majority of samples fall within smaller size classes. This may indicate early-stage recovery or poor recruitment success for mature harvestable populations.

Tikanga Implication: Kūtai are central to manaakitanga and whānau well-being. If size classes do not mature, this restricts the ability to gather and share kaimoana for hui, tangihanga, and other customary practices. Continued observation of growth trends is essential before assuming restoration success.

Pāua

The drop in pāua abundance from 2023 to 2024 — particularly at Mauao and Motuotau — is deeply concerning. Even with stable size frequencies, the sharp decrease in population signals increased pressure or unsuitable habitat conditions. Absence of legally harvestable size pāua is also a big issue. Whether these concerns are linked to cumulative environmental impacts from dredging or other marine activity requires urgent inquiry.

Tikanga Implication: Pāua are taonga with high spiritual and cultural value. Their abundance reflects the mana of the environment. Sudden population decline diminishes our capacity to fulfil tikanga related to ceremonial use and traditional harvesting.

Kōura (Crayfish)

Kōura numbers remain low, although some sites show slight improvements. The continued variability and small population counts across the wharf, Mauao, and Motuotau areas reflect a fragile recovery. Size class data suggests some adult individuals are present, but the low frequency undermines sustainability.

Tikanga Implication: Kōura are prized delicacies and significant for upholding mana when hosting or gifting kaimoana. Declining kōura presence is a tohu that intervention or protection is needed.

Contaminants and Wairua of Kaimoana

The Institute of Environmental Science Research (ESR) has deemed contaminant levels of kaimoana surveyed within the Mātaitai Reserve and Te Awanui (harbour) to be within “safe” thresholds for human health. However, from a mātauranga-informed perspective, the mere presence of contaminants in taonga species is an issue of **wairua** and **mauri degradation**.

- Elevated arsenic in crayfish and pāua gut may still pose concerns for long-term consumption and intergenerational trust in harvesting from these areas.
- The fact that this kai is culturally harvested for sharing and nurturing whānau — not just commercial consumption — means our values of hauora, whakapapa, and collective wellbeing are at risk if mauri is compromised.

Tikanga Implication: Mauri is not just measured by safety thresholds but by the vibrancy, vitality, and trust in the health of the species and their habitat. When kaimoana is spiritually or physically compromised, so too is our ability to practice customary rights.

This work must now inform:

1. Restoration and enhancement action led and implemented by iwi, not just data collection.
2. Consent decisions that comply with relevant iwi and hapū planning instruments, regional policies, national policy statements and mātauranga Māori priorities.
3. Monitoring and restoration that protects tikanga-based harvesting practices and prevents further environmental degradation from large-scale developments such as dredging or port expansions.
4. Alignment with Customary Fisheries Interests: Ensure that kaimoana monitoring and restoration aligns with customary fisheries governance arrangements with co-developed consent conditions.

❖ **This baseline of declines within the pipi bed and Mātaitai reserve must serve as a cautionary tale. Any additional development must not only avoid exacerbating these trends—it must actively reverse them. The Stella Passage and Dredging Reconsenting application does not do this. It imposes further pressure without any proportionate ecological or cultural recompense.**

❖ **The sustained drop in pāua and kina numbers, and consistently low number of kōura, warrants serious consideration of rāhui in affected areas, aligned with iwi tikanga. The**

declining numbers of taonga species like pāua, kina, kōura and the presence of contaminants, signal that our marine taonga and their mauri are under stress.

❖ **As tangata whenua, we cannot ignore these tohu. The surveys are not just a record of data — it is a call to action to restore balance and protect the mana of our moana. We stand ready to lead, in partnership, with solutions grounded in tikanga, mātauranga, and our enduring role as kaitiaki. We require that the Port supports and actively participates in these actions by providing for appropriate funding mechanisms and consent conditions for the proposed activity.**

8. Marine Ecology and Decline of Taonga Species

The assessment of effects on ecological values (Miskell, 2025) recognises that the most significant impacts of the proposal include the permanent loss of benthic habitat and shading of the pelagic environment. These impacts can disproportionately affect taonga species. The suspended sediment created during dredging smothers filter-feeders, clogs gills, and reduces water quality. Shading inhibits primary productivity, disrupting food webs.

While mitigation includes attempting to recreate similar habitat on artificial structures, these are poor substitutes for naturally occurring ecosystems. Our mātauranga tells us that once certain nursery grounds are destroyed, their restoration is improbable within our lifetimes.

The Kaimoana Restoration Programme, developed in response to earlier court decisions, already indicates declining health among monitored populations. The additional pressure of this development will place those species further at risk. The proposal poses yet another cumulative effect on a struggling customary fishery. We must ask: What value is placed on a sustainable fishery if each development chips away at its viability?

This section is primarily addressed in section 7 of the CVR Kaimoana Restoration Programme – Evidence of Decline.

9. Hydrodynamics, Sediment and Toxins

The assessment of effects on hydrodynamics and sedimentation acknowledges that dredging and reclamation will alter hydrodynamic patterns and sediment behaviour in the harbour. From a scientific perspective and without considering cumulative effects, Lange (2024) considers these effects to be very low.

Reduced tidal flushing increases the risk of sediment accumulation, particularly beneath the new wharf structures. This creates anoxic conditions detrimental to bottom-dwelling species and encourages the accumulation of toxins from urban runoff.

Despite these risks, the Port acknowledges that benthic sediment testing remains incomplete. The Port does test stormwater drainage water quality, but are yet to assess the existing seafloor sediments, which are likely to contain decades of accumulated contaminants.

Sediment contamination is a widespread environmental problem that can potentially pose a threat to a variety of marine ecosystems. Sediment functions as a reservoir for common

contaminants such as pesticides, herbicides, polychlorinated biphenyls (PCBs) polycyclic aromatic hydrocarbons (PAH) and heavy metals. Contaminants can persist in sea-floor sediments for long periods of time (His, 1999)

Estuaries and natural harbours are often hotspots for pollution due to **intense shipping activity, modification of hydrodynamic regimes** (Cutroneo et al., 2017). Sediments in these areas act like sponges, soaking up contaminants over time and reflecting the legacy of these activities (Guerin et al., 2024)

Common contaminants include heavy metals such as lead, mercury, and zinc, which can reach concentrations far beyond natural background levels, and organic pollutants like polycyclic aromatic hydrocarbons (PAHs), some of which only exist in marine environments due to human activity (Lewis et al., 2021). These substances can negatively affect the health and diversity of seafloor (benthic) communities, even at relatively low levels (Ellis et al., 2017; Fukunaga et al., 2010) and may pose risks to human health through seafood consumption (Di Bella et al., 2020; Younis et al., 2024).

The impacts are usually strongest near the source of pollution (Bubb & Lester, 1994), though currents can carry contaminants far beyond their origin (Rutecki et al., 2019). Infaunal invertebrates (organisms that live within the sediment, such as worms and crustaceans) are particularly vulnerable. As contamination increases, sensitive species often decline, while more resilient or 'opportunistic' species may increase in number (Grassle & P, 1974; Mayer-Pinto et al., 2015)

Because these benthic communities tend to stay in one place and respond quickly to changes in sediment quality, their presence and composition can provide a useful snapshot of how human activity is affecting the marine environment.

Our observation is that sediment build-up has already transformed kōura nursery grounds beneath wharf structures. It is important to note that while juvenile kōura are capable of inhabiting sandy habitats, they are intolerant of fine sediments (Booth, 2011). The proposed deepening of the channel and further infrastructure will exacerbate these impacts.

- ❖ **Additional bottom sediment samples should be collected for further analysis, especially close to the different potential sources of contaminants present inside the port, such as discharge points, areas where sediment isn't being displaced by larger vessels, shipyards, and industries.**
- ❖ **To monitor a decline in species richness and a rise in opportunistic species to serve as biological indicators of deteriorating sediment quality. This supports both environmental protection and mātauranga Māori aspirations by recognising the mauri of benthic ecosystems and providing meaningful, long-term indicators of health and resilience.**

Monitoring should include:

- **Baseline species composition surveys (pre-construction and pre-dredging).**
- **Regular sampling intervals (e.g. seasonal summer and winter).**
- **Quantitative analysis of benthic macrofauna diversity and abundance.**
- **Integration with benthic sediment contaminant testing**

- ❖ **Continue monitoring taonga species pēpi kōura, *Jasus edwardsii* nursery grounds and other species beneath Port wharves.**

10. Marine Mammals and Independent Kaitiaki Monitoring

As kaitiaki of Te Awanui (Tauranga Harbour), we hold deep responsibilities to protect and uphold the mana and mauri of all life within the moana. This includes marine mammals such as *maki* (orca), *parāoa* (whales), *upokohue* (pilot whales), *kekeno* (fur seals), *makariri* (leopard seals), and *aihe* (dolphins), who are regarded in te ao Māori not simply as fauna, but as taonga and whanaunga — spiritual kin with whakapapa connections.

Our relationship with these taonga species is holistic, intergenerational, and spiritual. It is shaped not by proximity or frequency of sightings alone, but by tikanga and inherited obligations to respect, nurture, and protect their wairua and habitat. Construction activities that generate underwater noise, such as pile driving and dredging, are therefore of deep concern, as they represent significant intrusions into the domain of Tangaroa without full cultural consideration.

The fact that some marine mammals are “occasional” or “non-resident” does not reduce their cultural significance. The presence of *aihe* (dolphins) in Stella Passage, even for a short duration, is meaningful. Their appearance is a tohu — a sign — often regarded as messengers or protectors by our people.

The marine mammal assessment (Consulting, 2025) outlines mitigation strategies such as: Marine Mammal Observers (MMOs); Soft-start pile driving; Use of bubble curtains and shut-down zones; Daylight-only driving; Draft Marine Mammal Management Plan (MMMP).

While these are positive and consistent with scientific best practice, they fall short of tikanga-based environmental protection, which would also include:

- Karakia and ceremonial recognition before disturbing seabed and waters
- Iwi-led cultural marine mammal monitors alongside MMOs and research programs to better understand specific migratory patterns within the application area
- Seasonal restrictions aligned with migratory and breeding periods
- A cultural rāhui process if sightings, strandings, or tohu indicate spiritual unrest
- Incorporation of mātauranga Māori into monitoring tools and impact thresholds
- Appropriate funding of a comprehensive cultural monitoring and response plan to formally co-ordinate and fund these measures for the life of the consent so that tangata whenua are not expected to undertake these measures for free in order to mitigate the effects of the Port’s own activities, while the Port enjoys profit-making.

The current plan does not adequately provide for cultural safety or authority in marine mammal protection.

11. Avifauna and Loss of Roosting Habitat

The proposed development will knowingly disturb or destroy nesting and roosting habitats for several taonga bird species, including kororā (little blue penguin), tarāpunga (red-billed gull), tūturiwhatu (dotterel), kuaka (bar-tailed godwit), and tara (white-fronted tern). Many of these birds are already classified as at-risk or declining.

Mitigative measures such as translocation and artificial nesting sites (as detailed in Wildlands, 2025), assume that the birds will accept new locations without impact. The assessment also disregards the tikanga and wairua implications of the displacement of these species. In our worldview, we live in a reciprocal relationship with these manu. Our connection is deeply spiritual, and their forced relocation is a desecration of that relationship.

Given the severity of the conservation status of several important seabird species that frequent our harbour, (whether it is migratory, seasonal or residential), a co-developed monitoring and recovery Kaitiaki Manu Plan needs to be formally implemented in partnership with tangata whenua. This plan needs to be given appropriate and adequate funding for the life of the consent to ensure that these impacts on these taonga manu species continue to be monitored and measures for their protection are included to respond to any decline or failures in the mitigation approaches.

Table 1. Conservation status list of sea birds known to frequent the area

Kororā	little blue penguin	Native bird	At risk, declining
Tūturiwhatu	dotterel	Endemic bird	At risk, recovering
Kuaka	bar-tailed godwit	Native bird	At risk, declining
Tara	white-fronted tern	Native bird	At risk, declining
Tarāpuka	black-billed gull	Endemic bird	At risk, declining
Tarāpunga	red-billed gull	Native bird	At risk, declining
Tōrea pango	oyster catchers	Endemic bird	At risk, recovering
Kawau tūī	Little black shag	Native bird	At risk, naturally uncommon
Kāruhiruhi	pied shag	Native bird	At risk, recovering
Māpunga	black shag	Native bird	At Risk, relict (small population stabilised after declining)
Ngutu pare	wrybill	Endemic bird	Threatened, nationally increasing
Poaka	pied stilt	Native bird	Not threatened

12. Legislation

The purpose of the fast-track application made by the Port of the Tauranga for the Stella Passage Development and Dredging Reconsenting is to accommodate growth in cargo and vessel sizes while also catering for projected export and import volume in the future. We note that this projected increase in import and export volume will bring with it increased environmental effects in all of the areas covered in this report. It is for this reason that we suggest later in this report a consent condition imposing an environmental import/export levy on all additional import/export volumes resulting from this project in order to fund the comprehensive environmental monitoring and restoration requirements set out in this report.

The Fast-track Process:

This section outlines the relevant provisions under the Fast-track Approvals Act 2024 (“FTAA”) concerning the Tauranga Moana Mātaitai Reserve and the associated customary fishing rights

protected under the **Fisheries (Kaimoana Customary Fishing) Regulations 1998** (“Regulations”). It considers the potential for conflict between the fast-track process and the regulatory mechanisms that uphold tangata whenua authority and kaitiakitanga within Mātaitai.

The Regulations:

The Regulations were established to recognise and provide for the special relationship between tangata whenua and their customary fisheries. These Regulations:

- Enable iwi and hapū to manage non-commercial customary food gathering in accordance with tikanga Māori.
- Provide for the establishment of Mātaitai Reserves— traditional fishing grounds where tangata whenua exercise kaitiakitanga and customary authority over fisheries resources.
- Require that Tangata Kaitiaki be appointed by tangata whenua and approved by the Minister to oversee and manage the Mātaitai.
- Identify that the Crown recognises traditional fisheries are of importance to Māori.
- Acknowledge the Crown’s Treaty duty to help recognise the use and management practices of Māori traditional fisheries and to provide protection and scope for the exercise of rangatiratanga in respect of traditional fisheries.
- Documents that the Treaty of Waitangi (Fisheries Claim) Settlement Act 1992 records that non-commercial fishing rights of Māori continue to be subject to the principles of the Treaty of Waitangi (which principles apply to Māori and the Crown) as set out in that Act.
- Prohibit commercial fishing within Mātaitai Reserves unless specifically authorised, reinforcing the non-commercial and cultural significance of these areas.

These Regulations give legal effect to customary rights and represent a mechanism through which the Treaty of Waitangi principles— which include partnership, participation, and protection—are enacted in fisheries management.

The Tauranga Moana Mātaitai Reserve represents a significant area where iwi and hapū of Tauranga Moana continue to exercise mana moana through active kaitiakitanga. The Reserve contains taonga species such as pipi, pāua, kūtai, kōura and kina, which are central to the cultural identity, food sovereignty, and intergenerational wellbeing of tangata whenua. TMICFT is currently part of the advisory for mātauranga-based monitoring and restoration initiatives to protect and enhance these customary resources.

Fast-track Approvals Act 2024

The purpose of the FTAA is to facilitate the delivery of infrastructure and development projects with significant regional and national benefits. The FTAA is designed to accelerate decision-making on projects such as the Stellar Passage Development and Dredging Reconsenting. The FTAA streamlines the consenting process by:

- Reducing timeframes for assessments and submissions,
- Restricting participation of Iwi / Hapū in the decision-making process,
- Establishing expert panels to review and make final decisions, and
- Limiting the avenues for appeal or challenge.

However, this speed and streamlining comes at the expense of robust engagement, particularly with tangata whenua and communities with legal interests in affected areas.

- **Section 17(d) & (2), Section 18(2):** These provisions require the Minister of Infrastructure to invite written comments from tangata whenua of mātaitai reserves including Te Maunga o Mauao Mātaitai Reserve.
- **Section 29(1)(a), Section 11:** These provisions require Port of Tauranga (“POTL”) to consult with tangata whenua of any area within the project area that is a mātaitai reserve such as Te Maunga o Mauao Mātaitai Reserve.
- **Schedule 5, Clause 5(2)(h):** This clause requires an assessment of the resource consent activity against a planning document recognised by a relevant iwi authority and lodged with a local authority.
- **Section 53(2):** This section requires the Environmental Protection Authority to invite written comments on a substantive application from tangata whenua of any area to which a substantive application relates that is a mātaitai reserve again, like Te Maunga o Mauao Mātaitai Reserve.
- **Section 70:** This section requires the Environmental Protection Authority to provide draft conditions to every group that provided comments under s 53, tangata whenua or mātaitai reserves, inviting such groups to comment on the draft conditions.
- **Clause 17 of Schedule 5** sets out the criteria that applies to the assessment of consent applications. When considering an application and conditions the panel appointed under the FTA must take into account, among other matters, section 5, 6, and 7 of the Resource Management Act 1991 (“RMA”). While section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources, section 6(e) & (g) requires the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu, and other taonga, and the protection of protected customary rights to be recognised and provided for *“as a matter of national importance”*. Moreover, section 7(a) and (aa) requires kaitiakitanga and the ethic of stewardship to be given particular regard.

TMICFT has been provided with drafts of the Ngāti Ranginui and Ngāi Tukairangi cultural values reports prepared for the purposes of this application. TMICFT supports and adopts the comments and recommendations contained within those reports with respect to the assessment and gaps in the assessment of environmental effects from a cultural perspective for this application and strongly recommends that POTL engage with hapū and iwi holding mana whenua and mana moana to develop appropriate, robust, and environmentally responsible consent conditions to prevent the further degradation of Tauranga moana.

New Zealand Coastal Policy Statement (NZCPS 2010)

Section 43 of the FTA sets out the requirement for substantive applications. For approvals that would otherwise be applied for under the RMA, clause 5 to 8¹ of Schedule 5 apply. Clause 5(1)(h) requires an assessment of the resource consent activity against the NZCPS 2010.

Under Policy 11 indigenous biodiversity is to be protected from the adverse effects of development. Policy 13 requires the preservation of natural character in the coastal environment. Policy 15 ensures the protection of natural features and landscapes of coastal significance, including cultural landscapes valued by Māori.

Under Objective 3 of the NZCPS 2010 the principles of the Treaty of Waitangi are to be taken account of, recognising the role of tangata as kaitiaki and providing 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,
- Incorporating mātauranga Māori into sustainable management practice, and
- Recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

Policy 2 provides that, in taking account of the principles of the Treaty of Waitangi, and kaitiakitanga, in relation to the coastal environment:

- recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, particularly at places where they have lived and fished for generations,
- provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application is dealing with cultural significance, and Māori experts, including pūkenga², may have knowledge not otherwise available,
- take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi or hapū and lodged with the council,
- provide opportunities for tangata whenua to exercise kaitiakitanga over waters, lands and fisheries in the coastal environment through such measures as:
 - bring cultural understanding to monitoring of natural resources
 - providing appropriate methods for the management, maintenance and protection of taonga of tangata whenua
 - having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mātaitai or other non-commercial Māori customary fishing.

Bay of Plenty Regional Natural Resources Plan (BOP RNRP)

KT Kaitiakitanga section of the BOP RNRP sets out the relevant objectives and policies:

¹ Clauses 6 and 7 refer to the requirements of the assessment of environmental effects, including the requirement in clause 7(a) to assess the activity's effects on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects. Clause 8 relates to subdivisions

² A person skilled or versed in the customary and traditional knowledge, tikanga, arts, histories and genealogies of a particular iwi or hapū

- **Objective 1** requires the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to be recognised and taken into account in the management of water and land.
- **Objective 5** refers to iwi resource management planning documents and requires these to be given regard to in terms of water and land management decisions.
- **Objective 7** requires that the spiritual, cultural and historical values of water and land (including waahi tapu, taonga and sites of traditional activities) to tangata whenua are identified.
- **Policy 1** of the BOP RNRN recognises that tangata whenua, as indigenous peoples, have rights protected by the Treaty of Waitangi (Te Tiriti o Waitangi) that consequently the RMA accords Māori a status distinct from that of interest groups and member of the public.
- **Policy 2** takes into account the principles of the Treaty of Waitangi in the management of land and water.
- **Policy 3** encourages tangata whenua to identify their particular requirements to address sections 6(e) and 7(a) RMA matters in relation to their ancestral lands (rohe), sites or resources, and mauri.
- **Policy 7** makes provision for kaitiaki to manage their ancestral land and water where this is consistent with the RMA.
- **Policy 8** recognises that kaitiakitanga involves the protection of taonga, waahi tapu, significant sites, traditional use sites, and other natural and physical resources of importance to tangata whenua.
- **Policy 9** requires particular regard to be given to kaitiakitanga, including customary use and management practices relating to water and land, in accordance with tikanga Māori, and the mana and responsibilities of Ngā Tangata Pukenga, where this is consistent with the RMA.
- **Policy 11** recognises and provides for the mauri of water and land when assessing resource consent applications.
- **Policy 13** seeks to advise and encourage resource consent applicants to consult directly with tangata whenua where it is necessary to identify the relationships of Māori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga, and the actual and potential adverse effects of proposed activities on that relationship.
- **Policy 14** requires consultation with tangata whenua on water and land management issues according to the requirements of the RMA, tikanga Māori methods of consultation, and in a manner consistent with case law.
- **Policy 17** requires iwi resource management planning documents to be given regard to when considering resource consent applications.
- **Policy 18** provides that where land and water or sites of spiritual, cultural or historical significance to tangata whenua are identified effects on these areas and sites are to be avoided, remedied, or mitigated.

- **Policy 19** encourages tangata whenua to recommend appropriate measures to avoid, remedy or mitigate the adverse environmental effects of the use and development of water and land. And
- **Policy 20** requires that the assessment of effects of proposed development activities on the cultural and historic values and sites of water and land to be undertaken in consultation with tangata whenua.

The FTA at Schedule 5 clause 5(3) requires that an assessment of the NZCPS 2010 and the BOP RNR must include an assessment of the resource consent activity against any relevant objectives and policies such as those identified above. The NZCPS 2010 and BOP RNR provisions identified above provide a strong statutory anchor for the comprehensive mitigation and restoration plans incorporating mātauranga Māori, tangata whenua decision-making and implementation that TMICFT recommends later in this report in order to address the clear and significant impacts of the proposal on the customary fishery areas under TMICFT's jurisdiction.

Key Issues and Risks

The Mātaitai Reserve and its taonga species are already under pressure from dredging, sedimentation, and habitat loss. Fast-tracked developments such as this application will exacerbate these pressures. Without proper iwi-led assessment, mitigation, and monitoring, long-term damage to customary resources and cultural connection is likely. In that context, any approval of such consents must necessarily include a suite of higher-level protective and proactive consent conditions that enable comprehensive monitoring, research, restoration and remediation plans. These plans should be developed in partnership with tangata whenua, allowing for tangata whenua active participation, decision-making, and appropriate funding mechanisms to ensure that any effects are appropriately avoided, remedied and mitigated over the life of the consent.

Recommendations

1. Uphold the Legal Status of the Mātaitai Reserve:

Any proposed fast-tracked activity that may affect the Mātaitai Reserve must formally acknowledge its legal status under the 1998 Regulations and the management authority of the appointed Tangata Kaitiaki.

2. Require TMICFT Engagement and Consent:

The Tauranga Moana Iwi Customary Fisheries Trust, as the representative body overseeing the Mātaitai, must be engaged early and meaningfully in accordance with tikanga Māori. Their consent should be a condition for proceeding with any project that affects the Mātaitai.

3. Embed Mātauranga Māori in Monitoring and Restoration Programmes:

This should be co-developed with TMICFT, embedding mātauranga Māori and including culturally appropriate methods for monitoring and mitigation.

4. Extend Timeframes for Tangata Kaitiaki Response:

The statutory timeframe of 20 working days should be extended for tangata kaitiaki feedback on proposals affecting customary fishing areas to allow meaningful engagement.

5. Strengthen Panel Composition and Cultural Competency:

Decision-making panels should include members with cultural and mātauranga expertise, and the process should be guided by Te Tiriti o Waitangi principles.

Processing of the application under the FTAA has the potential to significantly impact the Mātaitai Reserve and the customary fisheries protected under the Fisheries (Kaimoana Customary Fishing) Regulations 1998. Without appropriate safeguards, the process risks undermining tangata whenua authority and cultural wellbeing. Upholding the mana of the Mātaitai Reserve requires a commitment to meaningful partnership, culturally grounded assessment, and the protection of taonga species through iwi-led decision-making.

13. Tauranga Moana Iwi Management Plan

The Tauranga Moana Iwi Management Plan (IMP) 2016-2026 is a foundational document authored collectively by Ngāti Ranginui, Ngāi Te Rangi, and Ngāti Pūkenga. It outlines a shared environmental vision rooted in tikanga Māori, kaitiakitanga, and a holistic worldview that positions **Te Awanui (Tauranga Harbour) as a living entity with mauri**. This review provides a critical analysis of how the values, objectives, and policies articulated in the IMP align or conflict with the proposed Stella Passage and Dredging Reconsenting application, particularly its impacts on marine ecosystems, kaitiakitanga responsibilities, and iwi participation in decision-making.

Overview of Relevant IMP Themes and Policies

The IMP is structured around five interrelated dimensions:

1. **Tūhauora Tinana:** Healthy Waters
2. **Tūhauora Whenua:** Healthy Land
3. **Tūhauora Wairua:** Cultural Heritage
4. **Tūhauora Whānau:** People and Relationships
5. **Tūhauora Hinengaro:** Knowledge and Capacity

Each section provides issues, objectives, policies, and actions. This review draws primarily from the "Tūhauora Tinana" (Healthy Waters) and "Tūhauora Wairua" (Cultural Heritage) sections, where coastal use, dredging, discharges, kaimoana, and marine biodiversity are addressed.

Assessment of Alignment with the IMP:

1. **Kaitiakitanga and Mauri:** The IMP recognises Te Awanui as a taonga with its own mauri, asserting that any disturbance to its balance requires careful cultural and environmental consideration. The Stella Passage development and Dredging Reconsenting involve significant dredging and construction, which is likely to impact marine sediment, tidal flows, water quality, and kaimoana species such as pipi, pāua, kūtai, kōura, and kina.

Alignment: Minimal. Policy 16.1 of the IMP explicitly states opposition to dredging activities that may adversely affect the mauri of Te Awanui, including the pipi bed known as Te Paritaha o Te Awanui.

2. **Discharges and Water Quality** Policies 9.1 through 9.4 articulate a strong stance against the direct discharge of contaminants into coastal waters, particularly wastewater,

stormwater, and ballast water. These policies reflect a concern for cumulative impacts on water quality and kaimoana integrity.

Alignment: Incomplete. While the application may arguably meet purely environmental standards for contamination, the cultural threshold for contamination is higher. The presence of contaminants, even within regulatory limits, may still compromise the spiritual and physical acceptability of kaimoana from a tikanga Māori perspective.

3. **Cultural Health Monitoring and Participation** The IMP calls for a comprehensive 'State of the Moana' monitoring programme and insists on iwi-led or co-governed assessment frameworks that incorporate mātauranga Māori. The current Fast-Track process has limited capacity for in-depth iwi participation, and the speed of the consent process undermines meaningful engagement.

Alignment: Low. The Fast-Track process accelerates consenting timeframes and narrows the scope of engagement to Treaty settlement obligations, rather than recognising broader iwi kaitiakitanga requirements as set out in the IMP.

4. **Coastal Structures and Reclamations** Policies 12 to 15 within the IMP express clear caution regarding the expansion of coastal infrastructure. The plan calls for early and meaningful engagement, stringent monitoring of sedimentation and contaminants, and avoidance of effects on sites of significance, including mahinga kai.

Alignment: Misaligned. The application contradicts the preference for minimal coastal modification and raises red flags in relation to sediment disruption, biosecurity risks, and impacts on mahinga kai.

5. **Marine Biodiversity and Fisheries** The IMP affirms the importance of healthy fisheries for customary practice, manaakitanga, and whānau wellbeing. The decline of adult pipi at Te Paritaha, as indicated by recent monitoring reports, reflects potential adverse effects from past or ongoing dredging. The current proposal may exacerbate this decline which is wholly unacceptable from a TMICFT and tangata whenua viewpoint. Any further loss of our already seriously depleted kaimoana reserves is a significant and cumulative adverse effect that must be reversed, not merely avoided, remedied or mitigated.

Alignment: Contradictory. The project could further impact customary fisheries and does not currently guarantee protective or restorative measures aligned with iwi-led fisheries management. A comprehensive Kaimoana Restoration Plan must be developed in conjunction with TMICFT with appropriate resourcing, tangata whenua-led decision-making and implementation.

Key Tensions and Concerns:

- The Fast-Track process prioritises economic expediency over the proper assessment of environmental and cultural effects, weakening iwi involvement as envisioned in the IMP.
- There is insufficient evidence of active inclusion of TMICFT in the present Advisory Group, despite the central role fisheries play in the IMP.
- The speed and structure of the Fast-Track process may bypass mechanisms of co-governance and environmental review grounded in tikanga and mātauranga Māori.

Opportunities for Reconciliation:

- Embedding TMICFT representation within governance and monitoring structures for the project, with shared decision-making powers.
- Utilise the cultural values report (CVR) by TMICFT, with a commitment to collaboratively develop consent conditions.
- Including a mātauranga Māori monitoring framework in the construction and post-construction phases that is appropriately resourced for the life of the consent.
- Undertaking restoration and enhancement actions informed and led by TMICFT that are based on the monitoring data and provide for the adaptive management of measures to avoid, remedy and mitigate adverse effects throughout the life of the consent.

Conclusion The application, as currently proposed, is misaligned with the policies and aspirations outlined in the IMP. While some mitigation measures may exist, the cultural, environmental, and governance principles at the heart of the IMP demand deeper partnership and a higher threshold for environmental care. Without significant adjustment to process, participation, and protection, the proposed development risks undermining iwi relationships with Te Awanui, Tauranga Moana and compromising the mauri of the moana for future generations.

14. Cultural Disconnection and Potential Breaches of Te Tiriti

The application continues the long-standing pattern of marine raupatu. By seeking to permanently occupy and modify large areas of seabed, this proposal further erodes the physical and spiritual foundations of our customary fisheries. The moana is not a blank canvas upon which infrastructure can be imposed; it is a complex living network of relationships, responsibilities, and sacred obligations.

Our ability to carry out kaitiakitanga is directly undermined by this proposal. The loss of access, alteration of habitats, and further industrialisation of Te Awanui imposes restrictions on our customary practices and diminishes our ability to pass on mātauranga Māori to future generations. The mauri of Te Awanui is already significantly compromised as a result of the Port's existing activities—this development risks extinguishing it entirely in the affected areas.

The development continues a pattern of **Treaty breaches** outlined in *Wai 215*:

- **Alienation from traditional marine resources**, including shellfish beds (mātaitai) and sites of cultural significance.
- **Marginalisation of tangata whenua** from decisions regarding harbour management, development, and use.
- **Destruction of the natural and spiritual character of the harbour**, with urban and industrial expansion prioritised over cultural values and tikanga.

This consent application follows a systematic colonial planning model that seeks to “consult” without offering any **co-governance or shared decision-making with TMICFT**, which is the **minimum** required to uphold Article II of Te Tiriti o Waitangi.

Given our statutory role under the *Fisheries (Kaimoana Customary Fishing) Regulations 1998* as kaitiaki of the Mātaitai Reserve, our exclusion from the Stella Passage Development Advisory Group raises serious concerns regarding the Port's compliance with its legal obligations. In terms

of customary fisheries management and monitoring, TMICFT holds the statutory responsibility for these matters and the Port cannot simply seek to bypass the authority and jurisdiction of TMICFT by only including iwi or hapū entities on the Advisory Group. TMICFT's focus is purely on the sustainability of the fishery and it has a statutory function to perform that the Port is required to recognise and provide for. Ensuring our people are able to sustainably harvest from our customary fishery is the responsibility of TMICFT under the customary fishing regulations, and this goes to the heart of enabling people to provide for their cultural and social well-being under s5 of the RMA, which must be considered by the panel when assessing this application.

We respectfully submit that a condition of consent authorising TMICFT to lead a Kaimoana Enhancement Programme and have representation on any Advisory Group relating to the application and any resulting consents is not only appropriate, but necessary in order to meet the legal obligations. Rectifying this omission is a matter of legal compliance as much as it is one of partnership and good faith.

15. Review of Proposed Conditions

Tauranga Moana has long borne the brunt of coastal development. This is well documented within *Wai 215* and we urge the panel to familiarise itself with this history. Since the construction of the original Mount Maunganui wharves, customary harvest sites have been progressively reclaimed or rendered inaccessible. The Sulphur Point development, subsequent capital dredging projects, and expansion of port operations have together decimated once thriving kaimoana beds that supported our people for generations.

As expressed in *Wai 215*, and reiterated in this report, the harbour is not simply a body of water but Te Marae o Tangaroa, a living entity and a spiritual domain where customary practices such as gathering kai moana and ritual observances uphold the mauri of the environment.

Tauranga Moana, Tauranga Tangata.

Ko au ko te moana, ko te moana ko au.

Many whānau recall the abundance of kaimoana once harvested directly from the shores of Whareroa, Matapihi, and other coastal marae. These memories are not relics of the past but recent lived experiences. The cumulative effect of port expansion has not only been ecological degradation but also cultural alienation—the disconnection of our people from their food sources, their tikanga, and their stories.

- ❖ **The proposed application threatens to further erode the mauri of the moana through continued alienation, environmental degradation, and disregard for tangata whenua governance and kaitiakitanga of the harbour and its marine taonga.**

TMICFT's position is that the application in its present form does not appropriately avoid, remedy or mitigate the significant adverse potential, cumulative and actual effects on the customary fishery within our jurisdiction and should therefore not be granted. However, should the panel determine that consent should be granted with appropriate conditions included, we set out below the *minimum* conditions that TMICFT would recommend to address the application's effects and

invite the Port to engage with TMICFT directly to develop these into a robust set of workable consent conditions for implementation:

- A. Prior to carrying out any works under any resource consents granted (“**Consented Works**”), the Consent Holder will develop a new Kaimoana Enhancement Programme (KEP) in conjunction with and led by TMICFT. The purpose of the KEP is to understand the state of taonga species that may be affected by the Consented Works, develop ongoing kaimoana and habitat restoration and enhancement projects, and implement such projects throughout the life of the consents to ensure taonga species protection and recovery. The consent holder will provide an initial funding tranche of \$2 million NZD to TMICFT for the preparation and development of the KEP prior to carrying out any of the Consented Works. The initial KEP shall be completed by TMICFT within **6 months** of the receipt of the initial funding tranche by TMICFT and delivered to the Consent Holder. Any failure by TMICFT to deliver the initial KEP within six months will not prevent the Consent Holder from commencing the Consented Works, provided that the Consent Holder has fulfilled all statutory requirements and complied with the conditions of all consents.
- B. TMICFT will hold primary decision-making authority with respect to the KEP, for the purpose of developing, implementing, and overseeing monitoring, mitigation and enhancement projects with respect to the KEP. Such projects will be informed by Mātauranga Māori and developed to be both culturally and ecologically appropriate with due regard to customary fisheries values, the principles of kaitiakitanga and the sustainability of key taonga species (see appendix).
- C. Following the development and delivery of the initial KEP, the Consent Holder will ensure that the KEP is reviewed and updated by TMICFT at 3 yearly intervals, for the life of the consent. The Consent Holder will meet all costs associated with the review and updating of the KEP by TMICFT.
- D. The Consent Holder will provide an ongoing annual customary fisheries levy fee (**CF Levy**) payment to TMICFT to fund the ongoing implementation of the KEP throughout the life of the consent. The CF Levy shall be comprised of 50% of the Import/Export Levy included in the environmental and cultural mitigation conditions for the consents **[as recommended in the CVRs for Ngāi Tukairangi Hapū Trust and Ngāti Ranginui Iwi]**.

C. **The KEP will at a minimum provide for:**

1. **The development of kaimoana enhancement projects, including future projects for habitat enhancement, reseeding, translocation, and/or protection strategies designed and led by TMICFT**
2. **Engagement of a qualified monitoring programme provider (Monitoring Provider) that, in partnership with TMICFT and the Consent Holder, ensures that all monitoring activities are guided by mātauranga Māori.**
3. **The training and upskilling of appropriate Tangata Whenua Kaitiaki (see below) for the replacement of the Monitoring Provider within 10 years of the commencement of the consents.**

4. Data collection, analysis, and reporting undertaken by the Monitoring Provider to be carried out using culturally appropriate and mātauranga-informed approaches. To maintain consistency, the data collection methods used in³ 2023 should remain unchanged; however, analysis and reporting must apply a mātauranga Māori lens.
5. The development of a Mātauranga informed and guided monitoring programme of taonga kaimoana species to identify abundance, distribution and diversity of kaimoana in the areas close to and potentially affected by the Consented Works, such areas comprising the Mātaitai Reserve area and surrounding rocky reefs and kaimoana beds.
6. The implementation of appropriate customary fisheries management tools, that are based on the results of current⁴ and ongoing survey data, to ensure future sustainability of taonga species. Such tools can include traditional rāhui closures, section 186A Fisheries Act 1996 temporary closures, or mātaitai reserve bylaws.
7. The monitoring of contaminated taonga kaimoana species for investigating the sources of contamination. The monitoring and investigation carried out under this condition are to be analysed and reported on from a mātauranga perspective.
8. The identification of areas of taonga species habitat (e.g. pēpi kōura) and important nursery grounds smothered by contaminant build-up due to lack of tidal flushing beneath wharves, and for the implementation of a management plan to remove this toxic build-up of contaminants, to assist with future sustainability of taonga species.
9. The adoption of a whakapapa framework to enact a long term, intergenerational approach to building the technical and cultural capacity of the next generation of tangata kaitiaki that whakapapa to Tauranga Moana (“Tangata Whenua Kaitiaki”). The Consent Holder will resource this capacity building to ensure Tangata Whenua Kaitiaki are qualified to deliver the requirements of the KEP throughout the term of the Consent through the annual CF Levy payment, part of which may be used by TMICFT to provide:
 - Scholarships to Tangata Whenua Kaitiaki;
 - Certified training for Tangata Whenua Kaitiaki to work alongside appropriately qualified experts;
 - Monitoring and remediation project internships;
 - Employment of part-time and full-time Tangata Whenua Kaitiaki staff.

TMICFT considers that these proposed conditions are both necessary and appropriate for the following reasons:

- TMICFT obligations are to prioritise the active protection of our rohe moana to not only ensure the area does not deteriorate further, but that our moana is enhanced and improved for the sustenance and survival of future generations. This requires a baseline

³ Data collection methods are outlined within the KRP monitoring reports 2023 – 2024. Monitoring and reports are contracted to Boffa Miskell by the Port of Tauranga under the existing Kaimoana Restoration Programme.

⁴ Current survey data and reports are contracted to Boffa Miskell by the Port of Tauranga under the existing Kaimoana Restoration Programme.

assessment of successive and long-term degradation and destruction already suffered by Te Awanui prior to and since the Port was established.

- TMICFT considers that data, monitoring and evidence gathered through the Kaimoana Restoration Programme be considered in this consent process alongside and equal to the evidence provided by subject matter experts.
- We call for a renewed approach where tangata whenua are not just observers, but decision-makers — actively empowered to carry out our rights and responsibilities to restore and protect the health and sustainability of our kaimoana for future generations. Certainly, the relevant planning documents required to be considered under the FTAA, when read together, demand this approach.

16. The Failings of the Fast-Track Process

The Fast-track process has imposed unrealistic deadlines on iwi engagement, marginalising our voice in decisions that affect our rohe. The process has privileged speed over substance, efficiency over equity. It undermines our right to meaningful engagement and prioritises development outcomes over Treaty obligations.

Our forum joined the engagement process to seek discussion and alignment with our people. The engagement process has been a constructive and important step in the fast-track process. However, it has been a challenge to ensure that we are engaging with our people and other tangata whenua interest groups, the Port engagement team, technical experts and planners.

This process has required our forum to engage with complex technical material in compressed timeframes. The weight of responsibility to respond—while honouring tikanga, engaging hapū, and understanding implications is profound. Although a small timeframe extension was provided, our responsibility to respond within the given timeframe has not been matched by adequate respect or process.

17. Conclusion

The proposed application continues a pattern of industrial encroachment that has irreversibly changed Te Awanui and Tauranga Moana. While we acknowledge the economic contribution of the Port to regional development, it cannot be accepted as a justification for further eroding the rights, resources, and responsibilities of tangata whenua.

We understand the importance of the Port of Tauranga to our economy. We do not believe that the economic balance supports reasoning to further limit our customary fishing rights and to increase the effects on our sensitive marine ecosystems in Tauranga Moana.

As legally appointed kaitiaki of the Mātaitai Reserve under the Fisheries (Kaimoana Customary Fishing) Regulations 1998, being left out of the Stella Passage Development Advisory Group raises serious concerns about whether the Port's legal responsibilities are being met.

We are not anti-development. We are pro-Kaitiakitanga. We are pro-Treaty. We are pro-Taiao. The proposed development fails to uphold these principles or provide protective conditions that will avoid, remedy or mitigate its serious adverse effects.

We therefore oppose the granting of resource consent for the application and urge the EPA and decision-making panel to honour the voices of tangata whenua, uphold Te Tiriti o Waitangi, and protect the moana for generations to come.

Ko te moana, ko au. Ko au, ko te moana.

Tauranga Moana Iwi Customary Fisheries Trust

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COMMENTS ON APPLICATION BY PORT OF TAURANGA LIMITED
FOR REFERRAL OF THE STELLA PASSAGE PROJECT INTO
THE FAST TRACK APPROVALS ACT 2024 PROCESS

31 October 2025

Minister for Infrastructure, Hon Chris Bishop

Copy to:

Minister for the Environment, Hon Penny Simmonds
Minister for Māori Crown Relations, Hon Tama Potaka

BY EMAIL: C.Bishop@ministers.govt.nz;
P.Simmonds@ministers.govt.nz;
Tama.Potaka@parliament.govt.nz.

Tēnā koutou e ngā Minita

INTRODUCTION

1. This letter is sent by the Ngā Tai ki Mauao Collective, a collective grouping comprising the hapū and/or representatives of:
 - a. Ngāi Tuwhiwhia Hapū;
 - b. Ngāi Tamawhariua (ki Te Rangihouhiri) Hapū
 - c. Te Ngare Hapū
 - d. Whānau a Tauwhao (ki Rangiwaea);
 - e. Ngāti Tauaiti Hapū
 - f. Ngā Hapū o Ngā Moutere Trust
 - g. Rangiwaea Marae Trust
 - h. Ngāti Kuku Settlement Trust;
 - i. Whareroa Marae Trust;
 - j. Whareroa Community;
 - k. Ngāti Tapu Hapū
 - l. Ngāi Tukairangi Hapū

- m. Ngāti Kaahu a Tamapahore Hapū;
- n. Ngā Kaitiaki o Rangataua - Ngāti Hē;
- o. Ngā Papaka o Rangataua
- p. Te Rūnanga o Ngāti Kahu (ki Tauranga);
- q. Te Tāwharau o Ngāti Pukenga
- r. Te Rūnanga o Ngāti Pukenga
- s. Ngāi Te Rangi Iwi
- t. Ngā Potiki Settlement Trust

2. The Ngā Tai ki Mauao collective reformed as a direct result of the Port of Tauranga Limited (POTL) proceedings, following the Environment Court's decision [2023] NZEnvC 270, issued in December 2023.

3. Its members were all participants in the proceedings. The Ngā Tai Ki Mauao collective operates as a true collective, united in a common purpose to improve the health of their tupuna, Te Awanui (Tauranga Harbour) and surrounds. The collective is actively collaborating with iwi, hapū, and other tangata whenua, mana whenua, and mana moana who stand to be affected by POTL's application.

4. The members of Ngā Tai ki Mauao operate in true partnership with each other. They ensure everyone's mana is respected, and that they observe the tikanga and kawa of each hapū or other member entity, and respective group and individual kaitiaki responsibilities.

5. On 06 October 2025, the Ngā Tai ki Mauao collective received an invitation from the Fast Track team with a request to provide our comments on the Application POTL – Stella Passage Development and we now providing the Minister of Infrastructure as the responsible Minister, with key other Ministers copied in (the Minister for the Environment and the Minister for Māori Crown Relations) with copies of our feedback.

6. Ngā Tai ki Mauao spent considerable time preparing the requested feedback and engaging with our members as part of this. The Parties listed above at 1(a) – (s) have all consented to or requested that they be listed on the Ngā Tai ki Mauao response. Some of the listed Parties will be submitting comments separately also.

EXECUTIVE SUMMARY

7. The request of Ngā Tai ki Mauao is simple. Please do not refer the POTL's stella passage project into the Fast Track Consenting Act 2024 (FTAA) process.
8. POTL previously sought Shovel Ready authorisations, and then referral into the Covid-19 Fast Track process. These were declined. The Ministers responsible at the time in refusing POTL entry into the Covid-19 Fast Track process said:

It is more appropriate for the project to go through a standard consenting process under the Resource Management Act 1991 (RMA) as there is a fair expectation that there will be the opportunity for submitters to be involved in consenting decisions on the project (section 23(5)(b)), as some activities involved will occur in the public domain.

Other RMA processes include the option of requesting that the application go directly to the Environment Court under section 87D of the RMA, which could be an appropriate process in this case. Also, given the significance of this project, consideration could be made to requesting that it be called into the Environment Court or a Board of Inquiry under section 142 of the RMA.

9. This followed advice from officials that:

We recommend you decline the application for referral under section 23(5)(b) of the FTCA as we anticipate there will be a high level of public and tangata whenua interest in the Project. We consider there would be an expectation of a full consultation and consenting process for the Project given the Port's consenting history, Treaty settlements acknowledging grievances relating to the Port and commitments to improving processes around the Crown's management of the Port and activities in Tauranga Moana. In this context, it is our view that it is more appropriate for the Project to go through standard consenting process under the Resource Management Act (RMA). This could include investigating Direct Referral to the Environment Court under section 87D of the RMA.

10. The same reasoning still applies now. In fact, more so, since POTL had been part way through a Direct Referral process and set an expectation and stated commitments to rebuilding its relationship with tangata whenua. It is a slap in the face for tangata whenua to have invested so much in the Direct Referral process, and then to have POTL simply sidestep its stated commitments to its relationships with tangata whenua by using the new FTA process. It is the antithesis of good faith and commitment to the process POTL chose to embark on, at significant cost to all tangata whenua participants. It also goes against POTL's stated value that it will: "*recognise and respect the mana whenua of the rohe and acknowledge the kaitiakitanga of iwi and hapū*"; and its environmental policy that it: "*commits to recognising the role of local iwi and hapū in the moana and its surrounds as part of environmental decision-making*".
11. POTL also has a poor history of compliance. It operated for over 20 years without stormwater discharge permits. It failed to meet the requirements of its 2011 consent conditions, has failed to obtain the required air discharge consents, and has breached other duties or otherwise caused adverse effects such as in respect of Whareroa Marae and Panepane. It is unacceptable for a publicly listed company to operate outside their consents and therefore outside the law, in this way.
12. Accepting the POTL referral application will continue division, and most likely result in dissatisfaction with the process, let alone the outcome, leading to further appeals and ongoing litigation.
13. Instead, by refusing to refer Stella Passage to the FTA process, the government through its Minister responsible for determining referral applications, would be necessitating true engagement by POTL with tangata whenua; and providing a real chance for POTL to build a true and enduring relationship with tangata whenua, if not reaching some substantive mutual agreements.

BACKGROUND

14. The reason that POTL is seeking referral now, is that its listing has been found insufficient by the High Court as not including works on the Mount Maunganui side of Stella Passage – as the Schedule 2 listing only refers to the Sulphur Point wharf extension.

15. The High Court did not find evidence that the omission of Mount Maunganui wharf from Schedule 2 was a drafting error. It may have been deliberately excluded due to unresolved cultural and environmental concerns. Refer – *Ngāti Kuku Hapū Trust v Environmental Protection Agency* [2025] NZHC 2453.
16. Even if the listing was an error, it provides an opportunity for POTL – and the Minister on an application for referral into the FTAA process – to reflect on whether use of the FTAA process is the right option in all the circumstances. The Stella Passage project (or part of it) was included in schedule 2 of the FTAA along with 149 (or so) other projects, following a truncated process and, it is understood, some 384 (or so) applications for listing.
17. Inevitably, each project would not have been subject to the same level of scrutiny through the listing process as stand-alone referral applications must now be given. There is a real opportunity here for the government, through the responsible Minister, to do the right thing and require POTL to go back through a usual, fully participatory, RMA process.
18. This follows years, if not decades, of POTL doing the wrong thing.
19. As the Environment recognised in its 2023 interim decision (*Port of Tauranga Ltd v Bay of Plenty Regional Council* [2023] NZENVC 270), quoting from the 2011 decision of the Environment Court on POTL's application for dredging:

Some 20 years after the enactment of the Resource Management Act, it is surprising that an infrastructural company of the size of the Port would not have been aware of its obligations in terms of the Regional Coastal Environment Plan, the New Zealand Coastal Policy Statement 2010 and the Act.
20. The Environment Court then went on in its 2023 interim decision to say (in its executive summary):

... It is clear from the 2011 Decision that POTL needed to be a better neighbour than it had been in the past and to take seriously the importance of building positive relationships with tangata whenua.

... On the evidence before the Court the situation today, on which our consideration of POTL's applications is based, remains essentially the same as it was found to be by the Court in 2011: the relationship under s 6(e) has not been recognised or provided for and no particular regard has been given to kaitiakitanga under s 7(a).

... There is evidence that POTL has shown a disregard for its responsibilities under the RMA. It has failed to meet the annual monitoring requirements of its 2011 dredging consent for the last seven years. It operated without a stormwater discharge consent for its Mount Maunganui wharves for almost 30 years. It continues to operate without an air discharge consent ...

... We have seen little to demonstrate that POTL prepared and pursued its application in a manner that addressed the cultural values of the area affected by its application under ss 6 (e) and 7(a) of the RMA.

21. In respect of POTL's compliance failures, these are specific matters that can warrant refusal of an application for referral under s21(5)(d) of the FTAA. Given the significance of those failures, and the length of time that POTL has been or was non-compliant, it should not be rewarded by its application for referral being accepted.
22. In respect of process, the Environment Court also made the extraordinary finding as follows, at [336]:

The effects of participation in consent processes are not normally an effect that would be considered in an assessment of effects on the environment. The framework of planning and resource management legislation in New Zealand emphasises its participatory nature as a public good. In this case, however, it is a significant effect in the context of the relationship of tangata whenua with Te Awanui and the apparent continuing disregard for that relationship. The evidence of tangata whenua witnesses is that their views have been largely ignored in the history of Port development and associated consent processes which have enabled that development. For this reason, the demands which the process puts on tangata whenua is an effect that is relevant to our assessment of cumulative effects.

23. POTL is asking you, the government through its responsible Minister, to avoid the significant impacts – cumulative impacts – of putting tangata whenua through yet another process, and a significantly burdensome one at that. The FTAA process is not one that is particularly kind to its participants. There are strict timeframes, major information requirements, with no guarantee of being heard at all, let alone being heard in accordance with tikanga.
24. The Environment Court was only comfortable – subject to conditions, which POTL never completed the process in respect of – granting consent for the Sulphur Point works. POTL has said this was the most pressing part of its project. Yet it abandoned the opportunity to secure those consents through the Direct Referral process and decided to start again through the FTAA process – with all of the known time delays, and potential for further appeals or other challenges that that would entail (and some have already come to pass).
25. The only inference that can be taken is – despite POTL’s rhetoric – that the Sulphur Point works are not in reality as urgent as POTL says they are. Otherwise, logic dictates that they would have wrapped up that part of the Direct Referral process with significant urgency, rather than abandoning it and starting another process. Additionally, if not entirely satisfied with the outcome for Sulphur Point under the Direct Referral process, POTL could still have then reconsigned that part of the project through the FTAA process – with the Environment Court consent being a starting point. POTL is well advised, and any failings in its strategy should not engender sympathy and weigh towards giving it the privilege of using the FTAA. Quite the reverse – POTL’s sustained conduct of disregard for proper process and genuine engagement with tangata whenua should preclude it from accessing the FTAA framework.

FURTHER ISSUES

26. The cultural effects (or effects on cultural values, and interests) of POTL’s operations (and that of its predecessors) are undoubtedly significant and continuing. The Collective says that these past and continuing effects are so great that there needs to be very substantial remediation of those past cultural effects before further consents can be entertained.
27. This is even in the face of the claimed regional and national benefits. The extent of these benefits will be debated through the process, particularly the national benefits – as there are options and capacity at other ports in New Zealand, such as Northport.

28. But in any event, there is a real risk, if a FTAA Panel takes anything like the view that the Environment Court did, that the Panel will find the adverse cultural impacts to be “sufficiently significant to be out of proportion to the project’s regional or national benefits” – and decline consent
29. This is particularly the case – if the Environment Court’s findings are to be followed – in the case of the Mount Maunganui works. In that regard the Environment Court’s findings include:

In addition to the wider adverse effects of Port activities on tangata whenua, there was agreement among all parties that Whareroa Marae has been particularly adversely affected by the activities of the Port, its associated industries and other infrastructure in the locality. The effects of these activities collectively are of such significance that they

do not enable the people and communities of the marae to provide for their social, economic, and cultural well-being and for their health and safety. If the purpose of the RMA is to be met, it will be necessary to mitigate or compensate for those effects before any further cumulative effects can be authorised, however minor they may be considered to be.

We have concluded that it would be inappropriate to grant consents for further activities on the Mount Maunganui side which cause adverse cultural effects cumulative to existing effects on Whareroa Marae, unless appropriate remedies, mitigation, restoration or compensation are in place first. We consider that POTL’s original proposal did not give any serious consideration to the cumulative adverse cultural effects of its activities and proposed development on the Marae. The hearing will need to be reconvened once POTL has addressed this matter appropriately.

30. In other words, there remains a significant risk to POTL that its consent application, or at least part of it (such as the Mount Maunganui side), will still be declined- even if referred under the FTAA process.
31. So, why put everybody, including POTL, to the cost of another process that, if not doomed to failure, will still be subject to many years of process and litigation?

32. It is also significant that POTL – if not the EPA and its advisors – fail to understand the complex and unique situation of the post settlement governance entities (PSGEs) in Tauranga Moana. Iwi-level entities are not the only PSGEs - hapū have PSGE structures and representatives as well. This lack of understanding is compounding the difficulties in engagement with POTL as well as its approach to mitigation for matters of concern to hapū.

CONCLUDING COMMENTS

33. There remains significant unresolved past and anticipated cumulative cultural and environmental effects of POTL's operations, which need to be addressed before further consents can be entertained. This is particularly the case in respect of the Mount Maunganui works that will further impact on Whareroa Marae and Ngāti Kuku.

34. It makes no sense, including for POTL, to embark on a new and fraught FTAA process. Referral should be refused, for all these reasons – including on the basis of common sense.

35. POTL can then reset and look to build a genuine relationship with tangata whenua and work together to find solutions going forward. It would be worth it in the long term, for all parties, including POTL.

36. The Ngā Tai ki Mauao Collective would welcome discussion with you or your officials on this matter.

37. Finally, at a recent hui between POTL and mana whenua, signs of the potential for positive progress to be made were at long last present. While this is at a very early stage, it would be far better for the parties to invest their energies on looking to agree and advance the initiatives discussed at that hui, rather than to have to divert time, energy, and cost to another Fast Track process; which would inevitably undermine the progress that could otherwise be made in respect of the relationship between POTL and mana whenua.

Nā mātou o Tauranga Moana

NGA TAI KI MAUAO COLLECTIVE



3 November 2025

Minister for Infrastructure
Hon Chris Bishop
Parliament Buildings
Wellington 6160

By email
C.Bishop@ministers.govt.nz

Copy to:
EPA Fast-track Approvals Team
Environmental Protection Authority

fasttrack@epa.govt.nz

Hon Penny Simmonds
Minister for the Environment

P.Simmonds@ministers.govt.nz

Hon Tama Potaka
Minister for Māori Crown Relations

Tama.Potaka@parliament.govt.nz

POTL – Stella Passage Development Project Invitation to Comment under Fast-track Approvals Act 2024

Introduction and Context

1. Ngāti Ranginui Fisheries Trust (**NRFT**) submits these comments in response to the Port of Tauranga Limited (**Port**) application for referral of the Stella Passage Development under the Fast-track Approvals Act 2024 (**FTAA**).
2. NRFT is the mandated iwi organisation under the Māori Fisheries Act 2004 and Iwi Aquaculture Organisation under the Māori Commercial Aquaculture Claims Settlement Act 2004 for Ngāti Ranginui. It therefore holds statutory responsibilities for protecting and managing Māori fisheries and aquaculture assets and associated taonga species within Te Awanui (Tauranga Harbour). These responsibilities are inseparable from the exercise of kaitiakitanga and the restoration of the mauri of Te Awanui.

3. The Port's application concerns the same expansion works previously before the Environment Court under a direct referral application. In its *First Interim Decision* ([2023] NZEnvC 270), the Court found that tangata whenua had been unable to exercise kaitiakitanga in any meaningful sense and that cultural effects from the Port's operations on Te Awanui were significant and continuing.
4. It also held that the Port had not met its monitoring and restoration obligations, directing that further work be undertaken with tangata whenua to prepare a Southern Te Awanui Harbour Health Plan, complete kaimoana surveys, and develop a governance framework for kaitiaki monitoring. Those directions have not been fully implemented. The referral now sought (and the listed project application that preceded it) effectively circumvents that previous judicial process, advancing a project still subject to unresolved environmental and cultural concerns.

Statutory Considerations and Submissions

5. Having regard to the material before the Minister, NRFT submits that the statutory thresholds in ss 21–22 FTA are not met. The application fails to satisfy the core criteria of adequacy of information, assessment of effects, Treaty-settlement consistency, and compliance record. These are addressed below as illustrative, not exhaustive, examples of the wider deficiencies.

Information sufficiency (s 21(3)(c))

6. Baseline and cumulative-effects data for Te Awanui remain incomplete. Referral would therefore proceed on an inadequate evidential foundation, contrary to the requirement under s 21(3)(c) that the Minister be satisfied sufficient information exists to properly inform the referral decision.
7. This deficiency extends to the consultation material relied upon by POTL. The referral report lists engagement with a range of tangata-whenua and agency stakeholders, including Ngāti Ranginui, and asserts that tangata whenua were invited to participate in cultural values assessments and that their feedback has informed the project. In reality, those assessments were prepared for the earlier listed project application, not the referral application now under consideration. The difference is important: listed projects are entitled to use the Fast Track process, and the cultural values assessments had to be prepared in that context. A referral does not have to be made, and cultural values assessments made in that context would be different.
8. In practice, the record also does not demonstrate that tangata whenua input has meaningfully informed the project's design, mitigation, or governance. The pattern remains one of consultation recorded, not integrated or meaningfully responded to. For example, POTL lodged its listed-project application on 14 April 2025 - just days after NRFT submitted its Cultural Impact Assessment (9 April 2025). It is not credible to suggest that the Cultural Impact Assessment or other cultural reports submitted around the same time were meaningfully considered or incorporated within that timeframe.

9. POTL has since produced a 200-plus-page summary of consultation for the earlier listed project, yet the proposed mitigation measures (Table 2 of the Referral Application Report) remain materially unchanged from the 14 April 2025 application material. In these circumstances, POTL cannot credibly maintain that consultation has informed the project or that the application satisfies the information requirements of s 13(4)(k)(ii) or s 21(3)(c) FTAA.
10. Accordingly, the application fails to meet the information sufficiency threshold under s 21(3)(c) FTAA. The absence of both baseline environmental data and demonstrably informed consultation means the Minister cannot be satisfied that the effects on Te Awanui - or on tangata-whenua relationships with it - are properly understood or capable of informed mitigation.

Cultural and environmental effects (s 21(5)(c))

11. The cumulative effects on tangata whenua remain significant and unmitigated. The NRFT Cultural Impact Assessment records continuing degradation of Te Awanui's mauri and the loss of ancestral water space through successive reclamations. The further 3.58 ha reclamation now proposed would deepen these losses, restrict access to taonga species, and further weaken Ngāti Ranginui's customary connection with the harbour.
12. Tangible ecological consequences are inseparable from cultural effects—loss of habitat for taonga species such as tohorā, pipi, and kōura; ship-strike and noise disturbance to marine mammals; and continuing degradation of benthic and kaimoana beds. These impacts directly undermine Ngāti Ranginui's customary fisheries, their mana as kaitiaki, and their ability to maintain tikanga associated with mahinga kai.
13. The Environment Court found that tangata whenua have been unable to exercise kaitiakitanga in any meaningful sense and that cultural effects from the Port's activities were significant and continuing. POTL's reliance on conclusions that effects will be "minor with mitigation" that iwi do not support, disregards those findings and the iwi's evidence of cumulative decline. The limited financial mitigation and advisory group mechanisms proposed cannot repair or restore the ecological or cultural functions that have been lost. It is even unclear whether they would even maintain the present level of degradation.
14. For these reasons, the information before the Minister does not demonstrate that the environmental and cultural effects of the project are adequately understood or appropriately mitigated, and the Minister cannot be satisfied under s 21(3)(c) FTAA that the project is not likely to have significant adverse effects on the environment. Referral would perpetuate the very harms the Court directed POTL to address, and would be inconsistent with the Crown's obligations under Te Tiriti o Waitangi to actively protect Māori fisheries and taonga species.

Treaty settlements consistency (ss 7, 16, 18 and 21(5)(a))

15. The Māori Fisheries and Aquaculture Settlements recognise and protect Māori rights in the marine environment. Referral without ensuring compliance with those settlement obligations would breach those settlements and the Crown's duty of active protection.
16. The FTAA requires decision-makers to act consistently with obligations arising under existing Treaty settlements (s 7). In the case of the NRFT, those obligations are embodied in the Māori Fisheries Settlement 1992, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, and the Māori Commercial Aquaculture Claims Settlement Act 2004.
17. These settlements affirm Māori proprietary rights and kaitiaki responsibilities in the marine environment and impose ongoing duties of active protection and partnership upon the Crown and its statutory decision-makers. NRFT, as the mandated iwi organisation and Iwi Aquaculture Organisation for Ngāti Ranginui, carries the legal mandate to manage and protect those interests within Te Awanui (Tauranga Harbour) and the coastal waters affected by the Stella Passage Project.
18. POTL's referral material makes no reference to the Fisheries or Aquaculture Settlements, and no consideration appears to have been given to how the proposal might impact iwi fishing or aquaculture assets, mahinga kai, or the ecological integrity of Te Awanui which underpins those settlements (including as a direct result of baseline data being absent following years of monitoring non-compliance – discussed next). Referral on the basis of such omission would be inconsistent with the Crown's obligations under ss 7, 16, 18 and 21(5)(a) FTAA.
19. NRFT therefore submits that the Minister cannot be satisfied that the project is consistent with Treaty settlements or with the purposes of the FTAA.

Compliance history (s 21(5)(d))

20. POTL's compliance history provides an independent basis for declining referral under s 21(5)(d) of the FTAA. While the Port has undertaken certain survey work following the Environment Court's *First Interim Decision* ([2023] NZEnvC 270), those steps do not demonstrate full or effective compliance with the Court's directions or with the existing dredging consent and monitoring obligations.
21. The Court identified long-standing deficiencies in environmental and cultural monitoring, including the absence of baseline kaimoana data and the failure to give effect to the Kaimoana Restoration Plan. Although surveys were subsequently undertaken, they were not co-designed with tangata whenua as envisaged by the Court, and the required partnership framework for interpreting and applying the results has not been established. Reporting to date remains consultant driven and has not been validated through any kaitiaki governance process.

22. POTL's more recent draft conditions include proposals for kaitiaki involvement and limited funding allocations toward monitoring and restoration. However, these proposals do not remedy the underlying pattern of non-compliance. The funding and institutional support identified appear insufficient to achieve the outcomes promised in the proposed mitigation, and there is no evidence that prior deficiencies have been addressed or enforcement issues resolved.
23. On any objective assessment, POTL's compliance has been partial and reactive rather than consistent and reliable. The Environment Court's findings remain unresolved, and the statutory direction to rebuild transparency and partnership in environmental management has not been fulfilled. Section 21(5)(d) requires the Minister to consider whether a proponent's compliance record inspires confidence in its future performance. POTL's history of delayed and incomplete implementation weighs heavily against any such finding.

Conclusion

24. The statutory criteria for referral are **not met**. The deficiencies identified above, relating to the adequacy of information, assessment of effects, Treaty-settlement consistency, and compliance history, prevent the Minister from being reasonably satisfied that referral would be appropriate under ss 21–22 FTAA.
25. Referral of the Stella Passage Development at this stage would undermine the Environment Court process and the Crown's settlement obligations to Ngāti Ranginui. NRFT accordingly submits that the Minister should decline to refer the project and instead expect POTL to complete the partnership, monitoring, and restoration commitments arising from the Court's 2023 decision before seeking any further approvals.
26. These comments address key but not exhaustive deficiencies; further matters may warrant consideration upon full review of the referral materials..

Ngā mihi,
Ngāti Ranginui Fisheries Trust



Ngāti Ranginui Iwi

3 November 2025

Minister for Infrastructure
Hon Chris Bishop
Parliament Buildings
Wellington 6160

By email

C.Bishop@ministers.govt.nz

Copy to:

EPA Fast-track Approvals Team
Environmental Protection Authority

fasttrack@epa.govt.nz

Hon Penny Simmonds
Minister for the Environment

P.Simmonds@ministers.govt.nz

Hon Tama Potaka
Minister for Māori Crown Relations

Tama.Potaka@parliament.govt.nz

POTL – Stella Passage Development Project Invitation to Comment under Fast-track Approvals Act 2024

Introduction

1. Ngāti Ranginui Iwi Society Incorporated (**NRIS**) is the mandated iwi authority representing Ngāti Ranginui and its hapū in respect of cultural, environmental, and Treaty matters across Tauranga Moana. This response is provided in relation to the Port of Tauranga Limited (**POTL**) application for referral of the Stella Passage Development Project under the Fast-Track Approvals Act 2024 (**FTAA**).

Context

2. The proposed project substantially repeats the earlier Environment Court direct-referral proposal withdrawn by POTL. The Court's 2023 decision found that tangata whenua had been unable to exercise kaitiakitanga, that the burden of participation itself had become a cumulative adverse effect, and that no further expansion should proceed until remediation and partnership frameworks were achieved.

3. Those directions remain unfulfilled. The FTA process, with its compressed timeframes and limited participatory safeguards, risks repeating precisely the procedural and substantive failings the Court identified.

Information Sufficiency and Consultation

4. The record does not demonstrate that tangata-whenua input has meaningfully informed the project's design, mitigation, or governance.
5. The Ngāti Ranginui Cultural Values Report (April 2025) was delivered only shortly before POTL lodged its listed project application materials. It is not credible that the report's findings could have been incorporated into the project's design or proposed conditions within that timeframe. The mitigation measures now proposed to support the referral application largely replicate those in the listed project application and show no material change attributable to tangata whenua engagement.
6. Accordingly, the Minister cannot be satisfied under s 21(3)(c) FTA that the application contains sufficient information to properly assess environmental and cultural effects.

Environmental and Cultural Effects

7. Te Awanui is a living ancestor whose mauri sustains the identity, wellbeing, and mana of Ngāti Ranginui. The CVR records that cumulative industrialisation - reclamation, dredging, and pollution - has already eroded the ecological and cultural integrity of the harbour and extinguished access to customary food sources.
8. Further dredging and reclamation would compound that harm, continuing the loss of mahinga kai, wāhi tapu, and kaimoana species central to Ngāti Ranginui's survival as an iwi. The project therefore fails to meet the standard of environmental protection and cultural stewardship required under both the FTA and Te Tiriti o Waitangi.

Treaty and Partnership Integrity

9. The Crown has formally apologised for its historical breaches against Ngāti Ranginui, including raupatu and the deprivation of access to Te Awanui. Referral of a project that directly affects the same environment, while Court directed restorative and governance obligations remain outstanding, would be inconsistent with those settlements and contrary to the principles of partnership, active protection, and informed consent.
10. Ngāti Ranginui is a hapū-centric iwi, with multiple post-settlement governance entities now established under the Ngāti Ranginui and Tauranga Moana settlements. This structure reflects the whakapapa reality of Tauranga Moana, where hapū retain distinct identities and relationships with Te Awanui, even while coordinating through shared iwi-level mechanisms.

11. The FTAA process, which removes hearing rights and limits cross-examination, is incompatible with the co-governance and participatory mechanisms established through those settlements. Proceeding under this process would undermine the Crown's obligation to act consistently with those instruments and would erode the trust that the settlement framework was designed to restore.

Conclusion and Recommendation

12. Given the unresolved compliance issues, absence of meaningful integration of tangata whenua input, and inconsistency with Treaty-settlement obligations, NRIS submits that the Minister should **decline** to refer the project under the FTAA.
13. The appropriate course is for POTL to complete, in partnership with Tauranga Moana iwi, the outstanding monitoring, restoration, and governance commitments directed by the Environment Court before seeking any further consents.

Ngā mihi,
Ngāti Ranginui Iwi Society Incorporated

Your written comments on a project under the Fast Track Approvals Act 2024

Project name	Stella Passage
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Before the due date, for assistance on how to respond or about this template or with using the portal, please email contact@fasttrack.govt.nz or phone 0800 FASTRK (0800 327 875).

All sections of this form with an asterisk (*) must be completed.

1. Contact Details	
Please ensure that you have authority to comment on the application on behalf of those named on this form.	
Organisation name (if relevant)	Ngai Tukairangi Hapu Trust
*First name	Riri
*Last name	Ellis
Postal address	
*Contact phone number	s 9(2)(a) Alternative
*Email	s 9(2)(a) OR ngaitukhaputrust@gmail.com

2. Please provide your comments on this application	
If you need more space, please attach additional pages. Please include your name, page numbers and the project name on the additional pages.	

Note: All comments will be made available to the public and the applicant when the Ministry for the Environment proactively releases advice provided to the Minister for the Environment.

NGAI TUKAIRANGI HAPU TRUST
Cultural Values Summary for Fast -Track Consent Process

1. Introduction

Papaki kau ana nga tai ki Mauao

I nekeneke hia

I nukunuku hia

I whuia rereitia e Hotu a wahinerua ki tew ai

Ki tai wiwi, Ki tai wawa

Ki te whaiao, Ki te ao marama

Tihei mauri ora

Ngāi Tūkairangi is a hapū of Ngāi Te Rangi and our main ancestor is Tapuiti, and his son Tūkairangi, the grandchild of Te Rangihouhiri. We are the hapu that is located in and around the Mount Maunganui area, and also in the context of this application; the Sulphur Point area as well. We refer you to our *Ngai Tukairangi Hapu Cultural Values Report prepared for the Port of Tauranga earlier this year* (see attached).

We submit this brief, to ensure our views are included in this resource consent application, noting that our concerns are largely raised in the *Ngai Tukairangi Hapu CVR Report*. The new extension to the existing Stella Passage Development, canvassed as a new resource consent within Te Awanui (Tauranga Harbour) is situated in an area of significant ecological and cultural importance to Ngai Tukairangi Hapu predominantly, although iwi from Ngāti Ranginui, Ngāi Te Rangi, and Ngāti Pūkenga enjoy the environs. Any resource consent that now impacts upon the moana, the whenua that is closely connected to the moana, and consequently disrupts life, and terrain within Te Awanui must ensure, protect and recognize our hapu interests through genuine efforts, collaboration and inclusive practices.

In considering this application, the EPA is required to take into account to the principles of Te Tiriti o Waitangi and to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral water, sites, wāhi tapu, and other taonga (Resource Management Act 1991, sections 6(e), 7(a), 8). Ngai Tukairangi Hapu emphasises that the Stella Passage development must be assessed in light of these obligations; and we support the assertions and protective approaches made by the Tauranga Moana Iwi Customary Fisheries Trust (TMICFT) on those matters. We support their wish to have greater monitoring influence on how any resource consent can be monitored to ensure the “*integrity of kaitiakitanga and protecting the mauri of Te Awanui is paramount*”, as it is also our wish as well.

2. Context and Concerns

Ngai Tukairangi Hapu was not actively involved in the previous Port of Tauranga Stella Passage development application, primarily because work was undertaken through Ngai Te Rangi Iwi, and we had no resource consents team to assist with the work. We were aware that decisions were made however that were in the interests of iwi, but not necessarily hapu. We submit that our views are now needed to be integrated into this process. Firstly, we support any kaimoana survey monitoring efforts made by the TMICFT to ensure any impact upon the fisheries stocks are monitored. We understand that monitoring approach was inconsistent with the last application. There must be greater alignment between cultural assessments and ecological and or scientific information gained from these works. *We support a condition being made in this inference.*

Ngai Tukairangi Hapu is the hapu with mana whenua in the area; and we must be included in dialogue, discussions, plans, and strategic exercises to understand and ensure we are fulfilling our ‘kaitiakitanga’ role in that space. We see that as a responsibility and obligation that is not always considered carefully within these types of resource consent applications.

As well, our values are integrated into the *Ngai Tukairangi CVR* Māori values, and unaddressed cumulative effects on taonga species. We believe that understanding our values, and working with us will ensure we can work in partnership on addressing how our values can be recognized.

Ngai Tukairangi Hapu sees this application as a continuation of urban and industrial impact on the marine, moana and whenua degradation that will continue to erode the mauri and customary value of Tauranga Harbour. A major conclusion in our CVR was that cumulative impacts occur from these types of industrial works, and ensuring this is acknowledged; and then worked on to prevent, reduce and minimize impact is essential. We support the provision of proactive, and transparent conditions to improve these situations.

3. Cultural and Ecological Evidence of Degradation

We wish to ensure that the cultural and ecological monitoring of any resource consent that is approved or otherwise, takes into consideration the deep onoing impact that has occurred; which is included in multiple research outcomes, Waitangi Tribunal documents and recent surveys provided by the TMICFT; and others. We wish to reiterate that these forms of tracking impact must be integrated into conditions for this consent.

4. Legal Frameworks and Fast -Track Obligations

We outline that the The Port's application must be assessed against the Fast -Track Approvals Act 2024, the RMA 1991 (particularly s5, s6(e), s7(a)), the NZCPS 2010, the BOP Natural Resources Plan, and the Fisheries (Kaimoana Customary Fishing) Regulations 1998 and those that ensure that iwi and hapu values, and recognition is included in the process. We also draw your attention to the various Moana Plans, and Ngai Tukairangi Hapu Plans that align with prioritising the restoration of the mauri of Te Awanui; and protection of the environmental status of the moana and the surrounding envions.

Ngai Tukairangi Hapu is concerned that the fast -track process narrows tangata whenua participation and limits proper assessment of cumulative and intergenerational effects, contrary to the intent of Te Tiriti partnership.

5. Te Tiriti o Waitangi and Cultural Disconnection

The Stella Passage proposal exacerbates Treaty breaches identified in previous inquiries such as Wai 215, including alienation from kaimoana beds, exclusion from decision -making, and destruction of culturally significant sites. Te Awanui is not a development zone but a living taonga with intergenerational whakapapa and cultural obligation. The ability of tangata whenua to fulfil kaitiakitanga is compromised by loss of access, degraded habitats, and ongoing industrial encroachment. Exclusion of TMICFT from a advisory and governance roles is culturally unacceptable and inconsistent with Article II of Te Tiriti o Waitangi.

6. Ngai Tukairangi Hapu Proposed Conditions

We would prefer to work on these with the Port, and ensure that we attempt to build a deeper understanding of these matters. However, as a starting point, we wish to emphasize some potential conditions as a starting point if the EPA approves this consent. These are:

- Establish a Kaimoana Enhancement Programme for Te Awanui and the Mātaitai Reserve, to be appropriately funded by the Port of Tauranga. We assert this should be led by the TMICFT.
- To provide an import/export levy that can be used to support any ongoing restoration projects.
- To resource the expertise of Tangata Whenua Kaitiaki for long -term monitoring and mātauranga based data collection and analysis as opposed to external third party contractors with no connection to Tauranga Moana.
- To ensure Ngai Tukairangi hapu are a fundamental partner in any working group that is developed as an oversight monitoring group, or governance group.
- To ensure proactive hapu projects are able to be considered as part of this project.

- To recognize the impact these consents and activities have on both Hungahungatoroa Marae and Wharerua Marae, both being the closest marae impacted by any Port of Tauranga industrial activity.

We assert that these are a good starting place to consider how economic wealth and environmental sustainability can be advanced and balanced as well in the interests of protecting the moana, and the whenua.

7. Conclusion: Partnership, Protection, and Restoration

Ngai Tukairangi Hapu opposes any industrial type development that does not include meaningful partnership, legal compliance, and robust cultural and environmental safeguards being undertaken with our hapu.

We insist that the EPA Panel require that Ngai Tukairangi Hapu are included in all aspects of consent governance, partnership and activation of outcomes from the work. As the mana whenua to the Port on both sides, we see it as a fundamental expectation we are included; and our values recognized.

We draw your attention to the Ngai Tukairangi CVR Report, and confirm we are supportive of working with the Port of Tauranga to overcome any concerns that arise from our submission.

Nga manaakitanga ki te moana, me to whenua hoki

Ngai Tukairangi Hapu Trust
Chairperson
Riri Ellis

Date: 3 November 2025



NGĀI TUKAIRANGI HAPŪ
CULTURAL VALUES REPORT 2025

PORT OF TAURANGA LTD
STELLA PASSAGE DEVELOPMENT FAST
TRACK APPROVAL ACT 2024 APPLICATION

APRIL 2025

This report was prepared by Dr Riri Ellis and Hikitapua Ngata.

Dr Riri Ellis (*Ngāi Te Rangi, Ngāti Tahu and Ngāti Raukawa*) is the Chairperson of the Ngāi Tukairangi Hapu Trust. She holds a PhD, a MMS and a BMS from the University of Waikato in management studies. She has a wealth of experience in governance roles, Maori land trusts and other commercial Māori enterprises.

Hikitapua Ngata (*Ngāti Porou, Ngāi Te Rangi, Ngāti Tahu and Ngāti Raukawa*) is an experienced project manager in the construction industry, business analyst and more recently, he has undertaken cultural value assessments for Ngāi Tukairangi Hapu. Hikitapua has a B.Eng (Honours) from the University of Waikato. He has a science background, and more recently he has become heavily involved in the construction industry. He has worked on a few big construction projects in Tauranga and land restoration project in Hawkes Bay.



Figure 1 – Earlier Pre-port Land

EXECUTIVE SUMMARY

For the Port of Tauranga Ltd “POTL”, this application is merely a step forward beyond the current status as a company advancing its reach commercially into new opportunities for profit making; and servicing clients interested in exporting and importing goods internationally, and to a lesser extent nationally.

For Ngāi Tukairangi hapū, this application is another step in the process of ongoing cumulative degradation of whenua, papa moana, wai, mataitai and the depletion of kaimoana stock, and access to these significant tauranga kaimoana. It should therefore be of little surprise that there are incongruent values emerging as a result between what the hapu see from this application; in contrast to the Port.

The opportunity to compile a cultural values report; serves not only as a window into the mind, hearts and spirit of Ngāi Tukairangi hapū members, as we reflect upon the consent application - it is not without its challenges, But, it also re-opens painful discussions about the ongoing loss of land, and lack of access to these traditional places of kai gathering, taken through raupatu and public works acquisition for the earlier POTL establishment. Stealing land from our people for ‘better utilisation’ still rings in our ears as the excuse used to begin this journey of industrialisation and ongoing urban and industrial sprawl. The mamae remains. It will never go.

Ngāi Tūkairangi hapū’s view of this SPD application is therefore tinged by this past - **we oppose the application** - on the grounds for this opposition are outlined in this report. We seek your acknowledgement of the significant impacts, and request to enter into meaningful discussions about next steps, particularly the creation of conditions that will address the adverse effects outlined in this report.

In preparing the CV report, we assert that the technical experts engaged to demonstrate a minimalisation of effects across a range of parameters including air pollution, landscape impacts, sedimentation, marine biology and diversity, hydrodynamics and kaimoana restoration; have done little to address the overall concern of our hapū. We assert that the ongoing cumulative impact of Port activities continues to be negative. With that, we outline a number of mitigating factors, and recommendations that should form part of any conditions going forward. In no particular order, they are the:

- Lack of inclusion of Ngāi Tukairangi in earlier iterations of this consent application as mana whenua-tangata whenua of both wharf areas.
- Recognition of Ngāi Tukairangi in terms of the provisions of the FTAA.
- Impetus placed on providing for a kaimoana and habitat monitoring and restoration programme that is fully funded and monitored by Ngāi Tukairangi, with others, including the TMICFT.

- Impetus placed on the POTL creating a sustainable management regime as a condition of these types of consent applications.
- The provision for Ngāi Tukairangi to exercise kaitiakitanga over the related wharf areas; and also,
- The provision for the reclamation of seabed to be vested in the title of our Ngāi Tukairangi; and those relevant hapū associated with those wharf areas.

We argue that all of these activities should be funded fully by the POTL; and that a long-term commitment is made to this longitudinal type arrangement. We look forward to further engagement on these matters.

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
TABLE OF CONTENTS	6
Intellectual Property and Cultural Knowledge Statement	7
1. BACKGROUND TO THE APPLICATION	8
Background to the Stella Passage Applications 2013/2022	9
Hapū and Iwi Engagement 2025	10
Scope of the Report.....	10
2. STELLA PASSAGE FAST TRACK RESOURCE CONSENT APPLICATION	12
Application Overview	12
Stages of the SPD.....	14
3. CULTURAL VALUES	20
Ko Mauao te Maunga, ko Tauranga te Moana.....	20
Ngāi Tukairangi	21
Mana Moana Mana Whenua	23
Significant Sites	25
Te Māunga o Mauao Mataitai Reserve	33
4. IWI AND HAPŪ PLANS, LEGISLATION AND TREATY SETTLEMENTS	35
Tauranga Moana Iwi Management Plan 2016-2026	35
Hapū Management Plan 2014 - Ngāi Tukairangi, Ngāti Tapu	36
Hei Matapihi ki te Ao - Toi Te Moana, Toi Te Whenua, Toitū te Mokopuna	37
Summary - Hapū and Iwi Management Plans	39
Fast-track Approvals Act 2024	39
Ngāi Tukairangi Hapū Trust (a Treaty Settlement Entity)	42
5. ASSESSMENT OF TECHNICAL IMPACTS.....	44
Relevant Regulatory Frameworks	44
Past Case Studies: Lessons from Similar Coastal Developments	50
Why This Section is Important	51
Technical Impacts and Effects - A Review	51
1. Hydrodynamics and Sedimentation Effects	51

2. Marine Ecology and Biodiversity Effects	53
3. Effects on Taonga Manu (Birds)	55
4. Visual and Landscape Impacts	57
5. Effects on Whareroa Marae, Ngāi Tukairangi Hapū and Local Whanau	59
6. Summary of Technical Mitigation and Recommendations	61
Conclusion.....	64
6. VOICES OF NGĀI TUKAIRANGI HAPŪ – CULTURAL IMPACTS	65
Whenua Tipu - Pātaka Kai	66
Cultural Values	69
Recollection of Impacts	70
7. KEY ISSUES.....	72
8. RECOMMENDATIONS.....	75
9. CONCLUSION.....	77
REFERENCES.....	78

Intellectual Property and Cultural Knowledge Statement

This Cultural Values Report (CVR) contains Mātauranga Māori, whakapapa-based narratives, and expressions of tikanga that are the intellectual and cultural property of the iwi and hapū of Tauranga Moana, represented here by the Ngāi Tukairangi Hapū Trust. This knowledge has been shared for the specific purpose of informing and guiding decisions regarding the proposed applications. It reflects intergenerational relationships with Te Awanui and is grounded in the obligations and responsibilities of tangata whenua as kaitiaki. All rights in relation to this knowledge remain with Ngāi Tukairangi and the respective iwi and hapū of Tauranga Moana. Public availability of this document does not equate to public ownership of its cultural and intellectual content.

No part of this document may be reproduced, distributed, cited, or used beyond its intended context without the prior written consent of Ngāi Tukairangi. Any use must respect the principles of Te Tiriti o Waitangi, tikanga Māori, and the sovereignty of Mātauranga Māori.

1. BACKGROUND TO THE APPLICATION

In 2010, Ngāi Tukairangi argued that there was little benefit that would be shared widely with our people as a result of the destruction of the seabed, foreshore and waterways as a carafe to support the increasing breadth and depth of shipping lanes to extend port-related activities well beyond what is currently being done now. This activity was proposed in order to accommodate the size of vessels that will be coming into our harbour through Waikorire to berth at the POTL wharves.

This year, 2025, we were invited to participate in the hapū and iwi engagement process for the present Fast-track Approvals Act 2024 (**FTAA**) consent application, as were others. As Ngāi Tukairangi had not been previously engaged in the 2022/23 Environment Court case relating to the application under the Resource Management Act 1991 (**RMA**) for largely the same activity despite holding central and significant mana whenua / mana moana status with respect to the areas of the proposed activities, we elected to enter into the current consultation process. Ngāi Tukairangi are the kaitiaki of significant areas of Tauranga Moana that will be affected by this application, and we take our obligations to participate in this process and advocate for the moana and our people seriously.

We have emerged from this initial series of meetings - **concerned**. We are concerned about the impact the FTAA consent application will have on the biodiversity of the moana; on the marine animals that live within the application effects area, where the consent is intended to be applied, and the extent and nature of the impacts that the dredging and reclamation extensions will have overall on **the mauri of Tauranga Moana**. We are also concerned about the continuous merry-go-round of land acquisition, POTL activity, negative impact analysis, and environmental and societal disconnect from the Port to the kaitiaki of Tauranga Moana. All of these concerns regarding the effects of the proposed activities leads us to a conclusion that the cultural impacts of this proposal will be significant.

We are not yet satisfied that the conditions proposed in order to address these effects get anywhere near to providing appropriate avoidance, remediation or mitigation for such effects.

Kia Maia Ellis (2010), a PhD student and marine scientist sets the scene for a thorough investigation. She said:

“the land currently held by the Port of Tauranga was confiscated through the Public Works Act and is under a Treaty of Waitangi Claim by Ngāi Tukairangi. The hapū has observed major profit margins occur from the utilisation of an important cultural resource with minimal input back to the sustainability of harbour and no cultural redress back to the hapū. Ngāi Tukairangi have suffered major losses in terms of natural resources, fisheries and land ownership due to the establishment and

further developments of the Port of Tauranga. It is expected that the impacts that have been outlined within this report are avoided, remedied or mitigated with appropriate consultation with Ngāi Tukairangi” (p.3).

Background to the Stella Passage Applications 2013/2022

The major capital dredging resource consent application was lodged in March 2013, and major activities to undertake the dredging both within the inner harbour and outside the main Mount Maunganui beach were completed in 2016. Ngāi Tukairangi hapū objected to these capital dredging resource consents as per our cultural impact report at that time (Ellis, 2010).

Many whānau who witnessed the impact of the dredging undertaken, did not anticipate that further expansion and deeper dredging would occur, nor that additional reclamation, with additional wharf infrastructure would occur within the next five to ten years, however in 2019, early planning and consultation got underway.

The scope of the proposed works in 2022 covered a 385m wharf extension and 1.8ha reclamation at Sulphur Point, wharf extensions 530m north and 388m south of the Tanker Berth and a 2.9ha reclamation on the Mount Maunganui wharves. The associated extension to the shipping channel covers 14.4ha and involves dredging up to 1,800,000m³ of material of which 5.9ha and 800,000m³ is already consented.

Limited notice was provided to iwi and hapū (tangata whenua); and submissions were received by four parties¹. Several unsuccessful applications to have the consent ‘fast tracked’ ensued; and the POTL applied for a direct referral to the Environment Court, which was granted. Nine groups joined the Environment Court proceedings as interested parties². In March 2023, a three-week court hearing was held, with the POTL’s application being opposed by local iwi and hapū, who were impacted by industrial development in and around Te Awanui Tauranga Harbour over many decades.

The POTL outlined in its 2023 Annual Report that:

“without the development, the POTL will face capacity constraints within a few years. Leaders of some of the country’s biggest earning export industries have publicly expressed their concerns about the lengthy resource consent process.

¹ Tauranga Airport, Ngāti He Ngā Papaka o Rangataua, Te Rūnanga o Ngāi Te Rangi Iwi Trust, and Ngāti Ranginui Incorporated Society and Ngāti Ranginui Fisheries Trust jointly.

² Ngā hapū o Ngā Moutere Trust, Ngāti He, Ngāti Kahu a Tamapahore, Ngāti Kuku hapū, Ngāti Ranginui Fisheries Trust, Ngāti Tapu, Te Rūnanga o Ngāi Te Rangi Iwi Trust, Te Rūnanga o Ngāti Kahu, and Whareroa Marae.

Zespri, Kotahi, Oji Fibre Solutions and the New Zealand Cargo Owners Council have reinforced the urgent need for the additional capacity for the sake of New Zealand Inc" (Port of Tauranga Limited, 2023, p.7).

At the time of writing this report, a conditional resource consent was still under consideration with hapū and iwi applicants and the POTL. Whilst it was an important process, due to restrictive timeframes, we have not included references to the previous resource consent discussions from 2022/2024. We reiterate however, that we acknowledge and support the efforts of those involved, particularly, our own, via the Whareroa Marae and Ngāti Kuku trustees.

Hapū and Iwi Engagement 2025

In late December 2024, Ngāi Tukairangi was advised along with several other hapū and iwi entities of the present POTL FTAA resource consent application. In late January 2025, we received a short form contract for services to be engaged in the consultative process. The services contract we received at first was a fee per meeting attendance approach; and resourcing to complete a cultural values report. The meetings had three main themes; one was to provide iwi and hapū with the opportunity to learn more about the process and how the contract for services would work, a second theme included presentations by technical experts providing commentary on a range of different issues; and provision of planning knowledge related to the application and its intent. A third component, which was added later in the process involved attempts to provide an opportunity for iwi and hapū collaboration as well.

The first meeting was held on 4 February 2025, and the last was held on 11 March 2025, which was later extended to 18 March 2025. The cultural values report was originally due on 24 March 2025; however, a new date was confirmed as 31 March 2025. Additional meetings and an open day on 22/23 March 2025 were provided as well. Ngāi Tukairangi hapū also held a hui at one of our marae on 11 March 2025.

Scope of the Report

This cultural values report provides:

1. A summation of our understanding of the Stella Passage development FTAA consent application.
2. Commentary on Ngāi Tukairangi hapū in terms of our whenua, moana and rohe and inter-relate where we are, and how we are interwoven with and to the landscapes and waterways within which these consent activities propose to traverse.
3. An overview of Ngāi Tukairangi hapū cultural values in relation to the respective seascape and site of the Stella Passage development.
4. A synopsis of the review of pertinent materials, literature and legislation, where able, in relation to:

- Technical reports;
- Fast Track Approvals Act 2024 (“**FTAA**”);
- The position of Ngāi Tukairangi Hapū with respect to the Ngāi Te Rangi and Ngā Pōtiki Deed of Settlement (“**DOS**”) and the Tauranga Moana Iwi Collective DOS; and
- Various cultural impact reports and plans that pertain to Ngāi Tukairangi hapū.

5. An assessment of any potential and actual effects regarding the FTAA consent application in relation to the channel deepening and the wharf expansions and its relevant impacts on Te Awanui and the coastal area.
6. Our concluding remarks on the FTAA consent application and a list of potential avoidance, remediation or mitigation recommendations *if any*.

Limitations

This report does not include any detailed analysis of how the FTAA is applied in its entirety. Instead, it provides as much information and analysis as was possible within the condensed timeframes under which the FTAA consent seeks to be approved.

This review does not include an analysis of the economic research report provided for review. That report posits that the economic benefit for the POTL derived from this application is a given. We note however that we hold significant concerns that this report has not even attempted to quantify or calculate the negative economic impacts from the proposed activity in terms of the effects on the marine life, the bed of the harbour itself, the mauri of Tauranga Moana, the flow on effects on the people of Ngāi Tukairangi, the impacts of increased traffic flows and transport issues, potential increases in house prices, potential increases in drug trafficking through the Port due to increased volumes and the negative societal impacts for Ngāi Tukairangi, to name but a few.

2. STELLA PASSAGE FAST TRACK RESOURCE CONSENT APPLICATION

Application Overview

The POTL is seeking approvals under the FTA for its Stella Passage Development (**SPD**) project to extend the Sulphur Point wharf and also reconsenting its Capital and Maintenance Dredging (**Dredging Reconsenting**) consents to expand and maintain the navigation channels at the Port of Tauranga. The FTA consent application aims to authorise the development of extensions to the Sulphur Point and Mount Maunganui wharves, reclamations to support the new wharves, dredging of the Stella Passage to facilitate vessel access to the wharves, and the development of new cranes atop the Sulphur Point wharf extensions.

The project seeks to remove constraints on the POTL's cargo throughput capacity, thereby enabling increased import/export activity and delivering significant regional and national economic benefits. The application includes measures to manage and mitigate potential adverse environmental effects, ensuring the project aligns with sustainable management principles and relevant statutory requirements.

Whilst this application appears as a stand-alone activity, it is one of several resource consents that have been sought over time, going as far back as 1991 when the POTL was constituted. In 2016, dredging was completed in the channel. At that time, the dredging activity included the entrance channel (5.9 million cubic metres), Tanea Shelf (0.4 million cubic metres), the cutter channel and site adjacent to Maunganui Roads and enlarged turning basin, and Sulphur Point (7.4 million cubic metres) and the Stella Passage (1.3 million cubic metres). The following map shows how extensive the activity was at that time. The proposed dredging and development and disposal areas impacted this time, are in the same vicinity of a number of sites that have been outlined in this document that are significant to Ngāi Tukairangi.

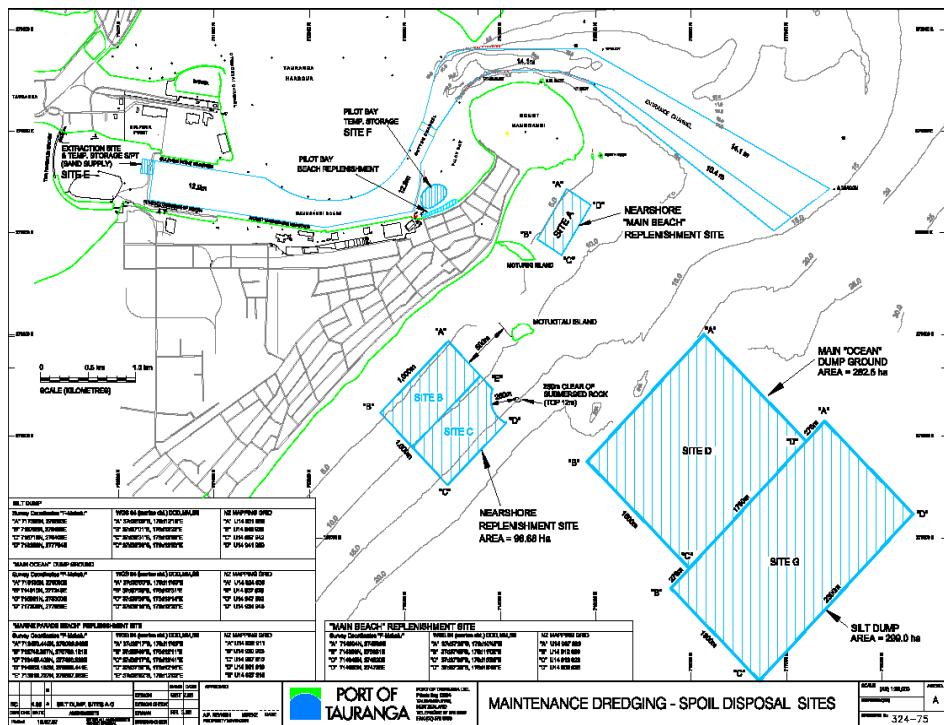


Figure SEQ Figure 1* ARABIC 2 - Maintenance Dredging 2013 Consent Application

The current consent application will extend the berths on both the Mount Maunganui side of the wharf (by 315 meters) and the Sulphur Point side of the wharf (by 285 metres). The additional request to renew the dredging approval and increase the depth of the channel is part of the application as well.

The rationale for the current SPD application and the dredging reconsenting, is detailed in their draft application document. The reasons for the SPD are as follows (in bullet points):

1. Port constraints
2. Economic opportunity costs planned development:
3. Significant benefits
4. Economic impact
5. Urgent container handling capacity constraints
6. Congestion in global shipping networks
7. Trend for bigger, more efficient ships:
8. Mount Maunganui wharf extensions – and replacing aging sections.

The POTL aims to ensure efficient access to international markets, and provide significant economic benefits at local, regional, and national levels. The following picture provides a visual of what is entailed in the application.

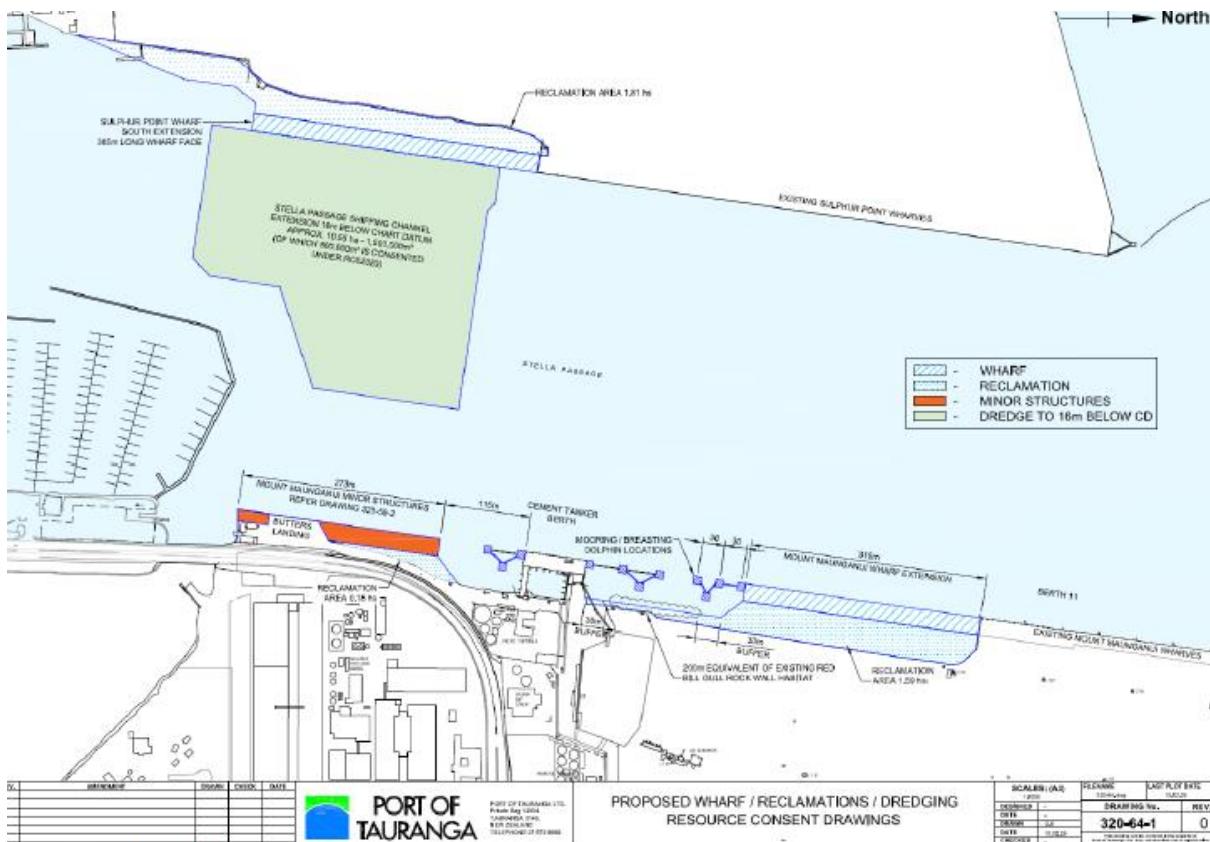


Figure 15: Project overview.

Figure 3 - Proposed Wharf Reclamation and Dredging Resource Consent Drawings

Stages of the SPD

The stages of the SPD are outlined in Section 1.3 and further detailed in Section 4.2 of the draft application (Port of Tauranga Limited, 2025). The project is divided into two main stages, each involving specific activities and timing. In summary, they are:

STAGE 1	
Sulphur Point:	<p>Reclamation: Reclaim 0.88 hectares of the coastal marine area (CMA) between the southerly extent of the existing wharf and the sand pile.</p> <p>Wharf Extension: Develop a 285-meter-long extension to the wharf in front of the reclamation.</p> <p>Cranes: Install 2 cranes 110 meters tall and 2 cranes up to 78 meters tall (timing not limited to either stage).</p>
Stella Passage:	<ul style="list-style-type: none"> Dredging: Dredge 6.1 hectares of Stella Passage to a depth of 16 meters Chart Datum (CD), requiring approximately 850,000 cubic meters of dredging. 5.9 hectares of the 6.1 hectares to be dredged are authorized by existing resource consent 62920, but

	only to a depth of 12.9 meters CD. This application seeks to re-authorize that previously consented dredging.
STAGE 2	
Sulphur Point:	<ul style="list-style-type: none"> ● Reclamation: Reclaim 0.93 hectares of the CMA south of the Stage 1 reclamation. ● Wharf Extension: Develop a 100-meter-long extension to the wharf in front of the Stage 2 reclamation. ● Cranes: Install 2 cranes 110 meters tall and 2 cranes up to 78 meters tall (timing not limited to either stage).
Stella Passage:	<ul style="list-style-type: none"> ● Dredging: Dredge approximately 4.45 hectares of Stella Passage (outside the authorized footprint of POTL's existing 62920 resource consent) to a depth of 16 meters CD. This will require approximately 650,000 cubic meters of dredging.
Mount Maunganui:	<ul style="list-style-type: none"> ● Reclamation: Reclaim 1.77 hectares of the coastal marine area south of the existing Mount Maunganui wharves. ● Wharf Extension: Develop a 315-meter-long extension to the Mount Maunganui wharves in front of the reclamation. ● Gull Habitat: Provide 200 meters of gull habitat south of the wharf extension. ● Mooring/Breasting Dolphins: Install 11 mooring/breasting dolphins beside the existing cement tanker berth and south of the proposed 315-meter Mount Maunganui wharf extension. ● Ferry Ramp: Move the existing ferry ramp northwards. ● Jetties: Move existing jetties north towards the ferry ramp. ● Bunker Barge Jetty: Develop a bunker barge jetty and associated mooring/breasting dolphins between Butters Landing and the ferry ramp. ● Penguin Ramp and Habitat: Develop penguin ramp and habitat at the south end of Butters Landing.

TIMING AND SEQUENCE	
Stage 1	<ul style="list-style-type: none"> ● Activities would commence as soon as practical after approvals are procured, subject to meeting the relevant detailed design and recommencement requirements. The duration of this stage is estimated at two years.
Stage 2	<ul style="list-style-type: none"> ● Works would follow directly after the more urgent requirements of Stage 1. Some further sub-staging is envisaged to match construction with growth and ensure that large swathes of the wharves and Port operations area are not out of action simultaneously.
The general sequence of development is:	

1. **Stage 1:** Initial reclamation and wharf extension at Sulphur Point and dredging of Stella Passage.
2. **Bunker Barge Jetty:** Construction at Butters Landing.
3. **Mount Maunganui Wharves:** Reclamation and wharf extension.
4. **Mooring and Breasting Dolphins:** Installation at the tanker berth.
5. **Sulphur Point Stage 2:** Final reclamation and wharf extension.

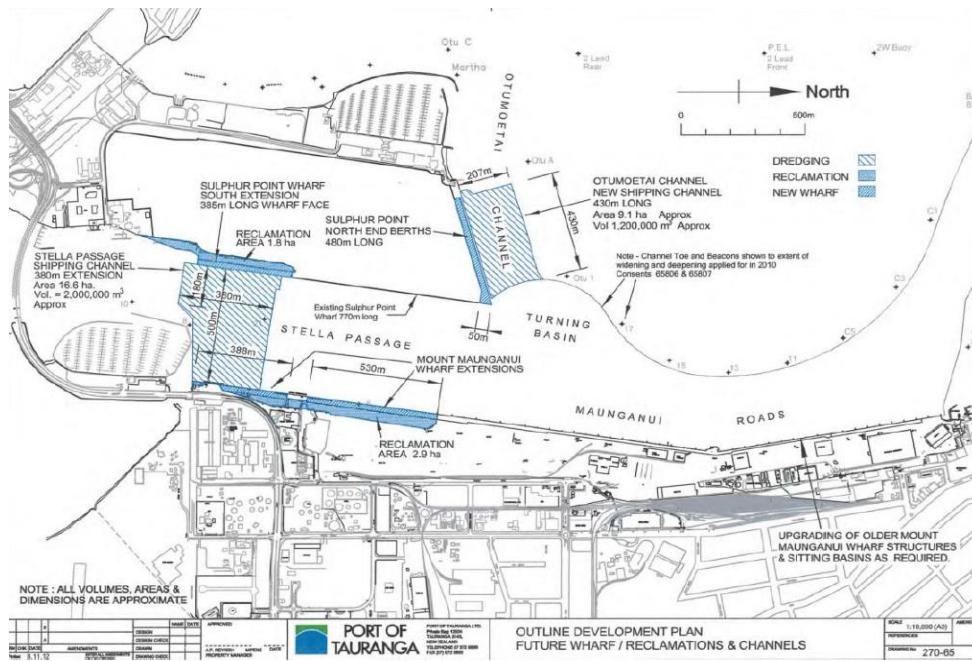
These stages are designed to progressively increase the Port's capacity to handle larger vessels and more cargo, thereby addressing current constraints and future demand.

The commencement dates of the development are included in the table below.

COMMENCEMENT DATES	
In terms of timing, the anticipated commencement and completion dates for the Stella Passage Development project are outlined in Section 4.2 of the document. The project is planned to proceed in stages, with the following timeline:	
Stage 1	<ul style="list-style-type: none"> ● Commencement: Activities would commence as soon as practical after approvals are procured, subject to meeting the relevant detailed design and commencement requirements. If stage 1 of the project were to commence works in September 2025, the stage should be completed approximately 24 months later. ● Duration: The duration of Stage 1 is estimated at two years.
Stage 2	<ul style="list-style-type: none"> ● Commencement: Stage 2 works would follow directly after the completion of Stage 1. Some further sub-staging is envisaged to match construction with growth and ensure that large swathes of the wharves and Port operations area are not out of action simultaneously.
Sequence	<ul style="list-style-type: none"> ● Bunker Barge Jetty: Immediate requirement for the proposed bunker barge berth at Butters Landing, estimated to take less than twelve months to design and construct. ● Mount Maunganui Wharf Extension: Design and construction estimated to take six months to design and approximately 18 to 24 months to construct. ● Mooring and Breasting Dolphins: Design and construction likely to be completed within twelve to eighteen months. ● Sulphur Point Stage 2: Design and construction expected to begin in eight to ten years' time, following completion of all works at the Mount Maunganui Wharf.
Overall Timeline	<ul style="list-style-type: none"> ● Stage 1: Estimated to be completed by September 2027 (if commenced in September 2025).

	<ul style="list-style-type: none"> Stage 2: Various components will be completed sequentially, with the final Sulphur Point Stage 2 wharf extension expected to begin design and construction in eight to ten years' time.
	<p>In summary, the project is expected to begin in September 2025, with Stage 1 taking approximately two years to complete. Stage 2 will follow directly after Stage 1, with various components being completed over the next several years, culminating in the final Sulphur Point Stage 2 wharf extension beginning in eight to ten years' time.</p>

The pictures below and overleaf are provided to show the extent of the SPD impacts; and in particular show clearly what will be expected of the company, should the project go ahead. The remaining parts of the report provide commentary about Ngāi Tukairangi hapū and what some of the important issues are for our people with regards to the impacts from this project.



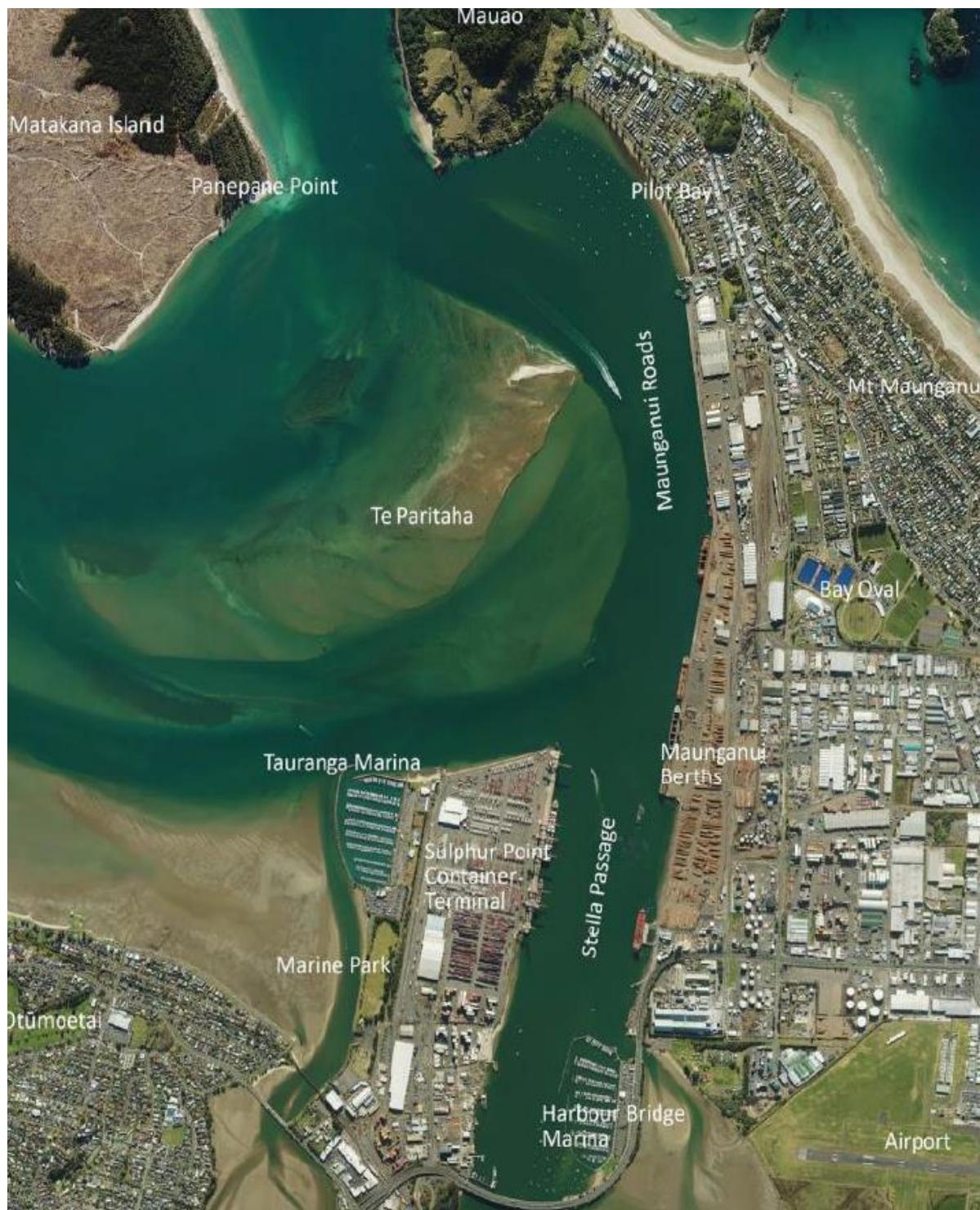


Figure 5 - Project Location (see POTL Draft Appl, p.16)



Figure 6 - General Port Location (see POTL Draft Appl, p.3)

3. CULTURAL VALUES

Ko Mauao te maunga tīpuna

Ko Tauranga te moana

Ko Mataatua te waka

Ko Ngāi Te Rangi te iwi

Ko Ngāi Tukairangi te hapū

Ko Hungahungatoroa me Whareroa ngā marae

Ko te moana ko au

Ko au te moana

Ko Mauao te Maunga, ko Tauranga te Moana

Indigenous people around the world acknowledge Te Taiao or the environment as an extension of themselves and the same is true in Te Ao Māori (the Māori worldview); Papatūānuku is our earth mother and Ranginui is our sky father - Often, our relationship to Te Taiao is expressed through waiata (song), pakiwaitara (stories) and tikanga (customs) (Durie, 2004) and sayings such as this - *Ko Tauranga te moana, ko te moana ko au, ko au te moana* (Tauranga is my sea, the sea is me, and I am the sea) is an example of the way in which we express who we are through our inextricable connection to the whenua (land) and the moana (sea).

The relationship that we as tangata whenua (people of the land) have with Te Taiao has ensured that intergenerational knowledge and practices over time have thrived in mutually respectful ways. The responsibility for the maintenance of those relationships has been carried through hapū and iwi, with the active practices of spiritual and physical tiaki, or guardianship, also referred to as **kaitiakitanga** which remains an important obligatory value that informs us every day. Too often today, **Mātauranga Māori** (Māori knowledge systems) is an afterthought, resulting in a disconnection from **mana** and iwi and hapū wellbeing and the physical manifestation of mamae (hurt) prevails (Hayden et al., 2023).

The Tauranga Harbour or Tauranga Moana as it is known to us is therefore seen as a living entity, an entire body not only seen as a significant waterscape, but also seen as a geographical emblem, personified majestically to many iwi at different times throughout history. The body of the sea is also seen as a deity, akin to a spiritual unseen force of life:

Ko Tangaroa te moana - Tangaroa (Deity of the ocean) is the sea.

The moana, or sea, is many things, to many of our people. In terms of voyaging, it provided safe passage for many pioneering waka. With waka arrivals and departures occurring in Tauranga Moana with multiple tribes including Tainui, Takitimu, Mataatua and also Te Arawa. Tauranga Moana is a playground, a pātaka kai (food store), a kāinga for kaimoana, as well as a place of healing and spiritual and physical sustenance.

Papaki tū ana ngā tai ki Mauao	The waves beat continuously
I nekeneketia	against the rocky cliffs of Mauao
I nukunukuhia	They tried to shift the canoe forward and aft
I whiua reretia e Hotu	Wahinerua was thrown overboard
a Wahinerua ki te wai	there by Hotu
ki tai wīwī, ki tai wāwā	Into the swirling waters, the roaring ocean
Ki te whai ao, ki te ao mārama	And emerge into the world of light.
Tīhei mauriora	I breathe, 'tis life'.

‘Tauranga’ means resting place, anchorage, fishing ground, place to land, mooring, and landing pad. The Tauranga Harbour, otherwise known by tangata whenua as Tauranga Moana or Te Awanui (now referred to as Te Awanui), has provided a safe anchorage for many waka (canoes) including several of the great ancestral waka which voyaged from Hawaiki. Te Awanui was also once an abundant source of sustenance through kaimoana, namely fish and shellfish (Ngāiterangi Iwi Runanga, 2006).

All parts of Te Awanui were once a plentiful source of kaimoana. Shellfish consisted of tūangi (cockle), pipi, pupu (catseye), pāua, kuku (green lipped mussel), tio (rock oyster) tītiko and kina. Fish were likewise plentiful including tāmure (snapper), moki, kahawai, haku (kingfish) and kanae (herring) (Stokes, 1993).

Ngāi Tukairangi

Our hapū, Ngāi Tukairangi comes from Ngāti Te Rangihouhiri (now shortened to Ngāi Te Rangi) who were originally a hapū of ancient Awa tribes that claim descend from the common ancestor Awanui-a-Rangi, a son of the great rangatira, chief Toi Kairakau. Our tribe later settled at Tawhitirahi Pa in Ōpōtiki with Rangihouhiri as rangatira, chief. Warfare with other tribes caused us to journey East to Gisborne, Te Kaha, Tōrere, Ōpōtiki, Whakatāne, Matata and then back to Maketū. As tension with other tribes grew, we advanced towards Tauranga and following the death of Te Rangihouhiri, and his eldest son Tutengaehe, and avenging their deaths, we became known as Ngāi Te Rangi, meaning the people of Te Rangihouhiri (Gudgeon, 1970)

Ngāi Tūkairangi is a hapū of Ngāi Te Rangi and our main ancestor is Tapuiti, and his son Tūkairangi, the grandchild of Te Rangihouhiri. Prior to Te Heke o Te Rangihouhiri, Ngāi Tukairangi were known as Ngāti Irawharo who lived in the Tarawera/Rotoehu area before coming to Tauranga. Other groups who have occupied Matapihi, Mount Maunganui and

Whareroa are Ngāti Mateika, Ngāti Irawharo, Ngāi Wai and Ngāti Kuku (K. Ngatai, 2000). Other names have also been referred to, such as Te Matekiwaho, Ngāti Rawharo and Ngāti Kahurere. These hapū are known to have merged into who is Ngāi Tukairangi today. Kihi Ngatai says:

“Rangihouhiri’s son Tapuiti and grandson Tukairangi were part of Te Heke o Te Rangihouhiri. It was Tapuiti that lead the scaling of Mauao during the battle of Kokowai (2000, para 13)”.

Ngāi Tukairangi, are known as a people who manaaki or take care of others. We discuss our relationship to the whenua within which POTL resides both in Mount Maunganui along the shorelines of the peninsular, and also to Sulphur Point, directly adjacent to our whenua in Mount Maunganui. We share our cultural narratives which interlace our values with our interests, with our hononga to our whenua, to our coastal area and lastly our people. We will write about how this proposed activity impacts us, physically, spiritually and culturally. The map below outlines where Ngāi Tukairangi hapū resides, referred to as our area of interest.

Table 1 - Ngāi Tukairangi Hapū Rohe



Mana Moana | Mana Whenua

Ko te manawa-rere, ko te manawa-rere, kia u, kia u!

The draft SPD FTA application outlines the areas where the proposed activity will take place within the inlet of Te Awanui, and the inner harbour area in Mount Maunganui. Tauranga Harbour is directly adjacent to the lands that were occupied by Ngāi Tūkairangi prior to European settlement and over Ngāi Tūkairangi still holds and exercises Mana Moana / Mana Whenua (authority over the moana/ authority over the land). At the time of European settlement, the area directly adjacent to the Port of Tauranga (**Te Paritaha**), Waikorire (Pilot Bay) and Te Marutūahu (mussel reef) were our pātaka kai (food cupboard).

Those hapū most closely associated with the area of land directly adjacent to the fishing grounds were deemed to be the residing hapū of that area of pātaka kai and hold mana moana over those fishing grounds. In Tauranga, residing hapū and iwi generally respected this tikanga in relation to the taking of kai moana from the sea. Anthony Fisher (2006), of Ngāi Tukairangi, explains this well:

“hapū were inextricably linked to their environment. A particular hapū’s interactions with its environment was one of the ways that characterized it as a people. The ethic of kaitiaki was one that underpinned this interaction with the environment. For Ngāi Tukairangi this was no different....Ngāi Tukairangi were a coastal people. Evidence given earlier at this hearing has shown that Ngāi Tukairangi occupied strategic positions around the Tauranga harbour, which allowed it to exercise domain over that environment. The exercising of ‘domain’ was one of the practice expressions of the ethic of kaitiaki by Ngāi Tukairangi” (p.5).

It is also well known that Te Marutūahu, Te Awa o Tūkorako and Te Maire were the fishing grounds over which Ngāi Tūkairangi were rangatira. Other hapū were allowed to share these resources on the grounds of respect for the residing hapū namely, Ngāi Tūkairangi.

Being tangata whenua, or tangata o te whenua (now often referred to as mana whenua) is important, because there is a lot of confusion around who has it, where it might be and how it relates to the mana moana jurisdiction. This tikanga or cultural practice is validated by history, particularly as noted by historian Evelyn Stokes in the Tauranga Raupatu Report (Stokes, 1990). It is also supported with oral traditions, and our esteemed kaumatua Kihi Ngatai of Ngāi Tūkairangi states;

“Ngāi Tūkairangi are the only hapū with mana whenua of the Waikorire area and Ngāi Tuwhiwhia have mana whenua further around Mauao towards Stoney Point (Ellis, 2010, p.7)”.

Ngāi Tūkairangi hapū acknowledge the previous occupation of other iwi on Mauao, including those descendants of Ngāti Ranginui and Waitaha which are recorded in local history. However, that standing is not how it is today and the present jurisdiction of hapū domains are reflective of where your marae are located, where your papakāinga are located and where your community is located. As shown on the map of Ngāi Tukairangi's rohe above, we have our two marae, urupa, numerous land trusts, and papakainga located directly adjacent to the proposed activity site. Accordingly, the mana whenua rohe (being the area deemed to be under the jurisdiction) of Ngāi Tūkairangi hapū covers the majority of the adjacent lands where the proposed FTA consent activity is located. Ngāi Tūkairangi hapū hold mana whenua and mana moana over this area and continue to exercise this authority to this day.

This status as mana whenua is further evidenced in a well-known korero that is commonly referred to in respect to the moana "garden". Kihī Ngatai said, "traditionally, all the hapū knew where the kaimoana beds and fishing grounds are. Rules were in place governing the sharing of these resources. My great-grandfather, Taiaho Hori Ngatai told Jonn Balance this at Whareroa Marae in 1885, when he said:

"Now, with regard to the land below high water mark immediately in front of where I live, I consider that as part and parcel of my own land...part of my own garden. From time immemorial I have had this land, and had authority over all the food in the sea. **Te Maire** was a fishing ground of mine. **Onake** that is a place which from time immemorial I obtained pipis. **Rona** is another pipi bed, **Te Karakia** is another place. I am now speaking of the fishing grounds inside the Tauranga Harbour. My mana over these places has never been taken away. I have always held authority over these fishing places and preserved them and no tribe is allowed to come here and fish without my consent being given....The whole of this inland seas has been subdivided by our ancestors, and each portion belongs to a proper owner, and the whole of rights within the Tauranga Harbour have been apportioned among our different people; and so with the fishing grounds inside the heads, those are only small spots. I am speaking of the fishing grounds where hapūku and terakihi are caught. Those grounds have been handed down to us by our ancestors. This Māori custom of ours is well established and none of the inland tribes would dare go and fish on these places without obtaining consent of the owners. I am not making complaint out of a selfish desire to keep all of the fishing grounds for myself, I am only striving to retain the authority of which I inherited from my ancestors" (Ngatai, 2006, pp. 11-12).

Ngāi Tūkairangi express our **kaitiakitanga** over our hapū domain in various ways, including the ability to be connected with those areas regularly, as daily practice as well as the exercise of specific tikanga such as the placing of rāhui. Some of these places

identified within our hapū domain are characterised as a waahi mataitai, or sites of significance based on our cultural practices.

Significant Sites

Ko Mauao te Maunga

Our most significant whenua site is Mauao. Mauao, anchors our identity and the social and cultural well-being of Ngāi Tukairangi. Wiparera Te Kani (2000) explained that there are a number of places on and around Mauao that are of significance to Ngāi Tukairangi, which included:

- The hot water spring just above where the Mount Hot Pools are now situated was once used by women who would go there to cleanse themselves after childbirth.
- On the harbour side of Mauao is a stream called **Waipatukakahu** where clothing was cleaned.
- Between the hot spring and Waipatukakahu was a grove of karaka trees. This was a camping area of Ngāi Tukairangi. This was used when harvesting karaka berries. The berries were boiled and prepared for food and medicine.
- On the seaward side of Mauao is **Awaiti**. This place is significant for a number of reasons. It was the departure point for Taapuiti and his taua when they scaled Mauao prior to the battle of Kokowai. Within this inlet is Tirikawa, where the canoes were anchored before the scaling of Mauao took place.
- On the entrance side are the rocks known as **Nga Kuri Neko a Tarawhata**. The significance of these rocks is that sometimes the actions of the waves create a barking noise. That noise is an indication to us that somebody has passed away.
- The rocky shoreline of Mauao was and still is an important area for gathering seafood such as mussels, kina, paua, tūangi and pupu.

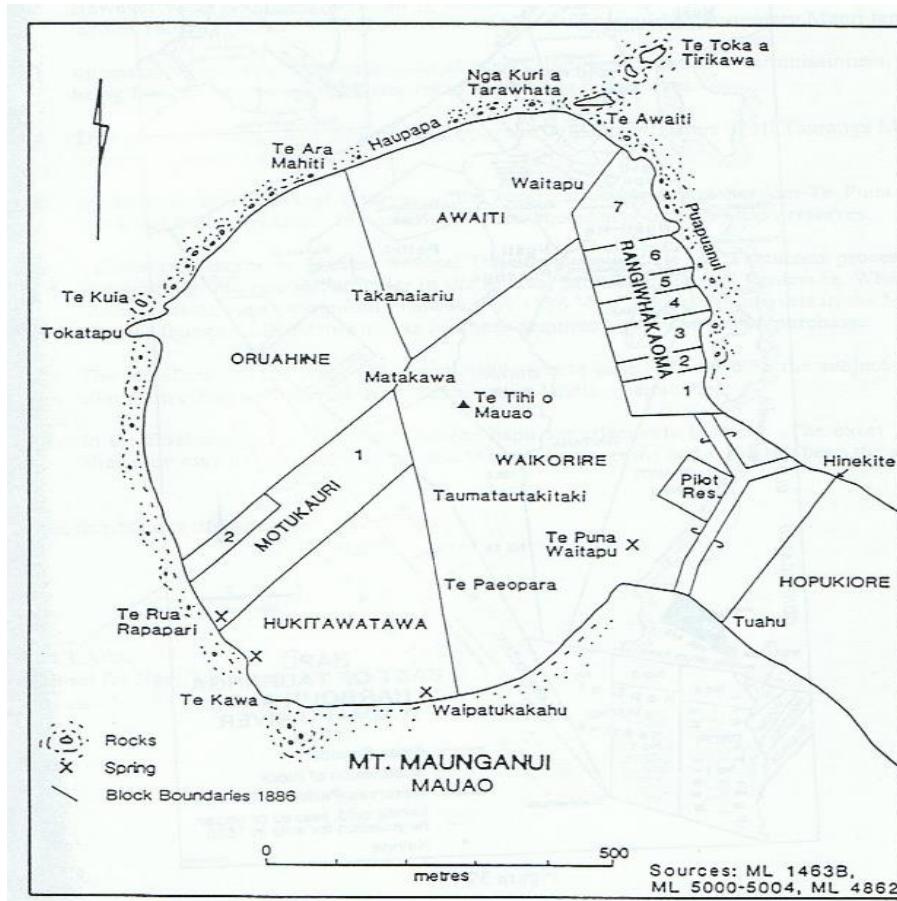


Figure 7 - Mauao and Significant Sites - Mauao from Collection of Evidence from Ngāi Tukairangi Hapū Hearing 2000

Ko Tauranga te Moana

The entire foreshore and seabed, including the harbour is of high cultural value to Ngāi Tukairangi. However, there are numerous special places within the harbour that are deemed waahi tapū or particularly significant to Ngāi Tukairangi. Mauao reef habitat, Te Paritaha, Te Kuia, Mauao (kaimoana beds), Te Marutūahu and Waikorire, are among these places and will potentially be impacted upon by the proposed channel deepening and widening. These places have been recounted for this assessment.

The customary practice of 'kohi kai moana' the collection of seafood, was a part of everyday life for our people in Tauranga and seafood was a significant source of daily sustenance. Ngāi Tukairangi has suffered the loss of many of these 'pātaka kai' since the growth and development of the Port of Tauranga which has impacted not only on our people's ability to feed themselves, but also on our ability to provide for our manuhiri (guests). This has a direct effect on our mana and cultural well-being that must be addressed by the present application as these effects are cumulative and ongoing. These areas should have been afforded better consideration, protection and remediation under the previous consents.

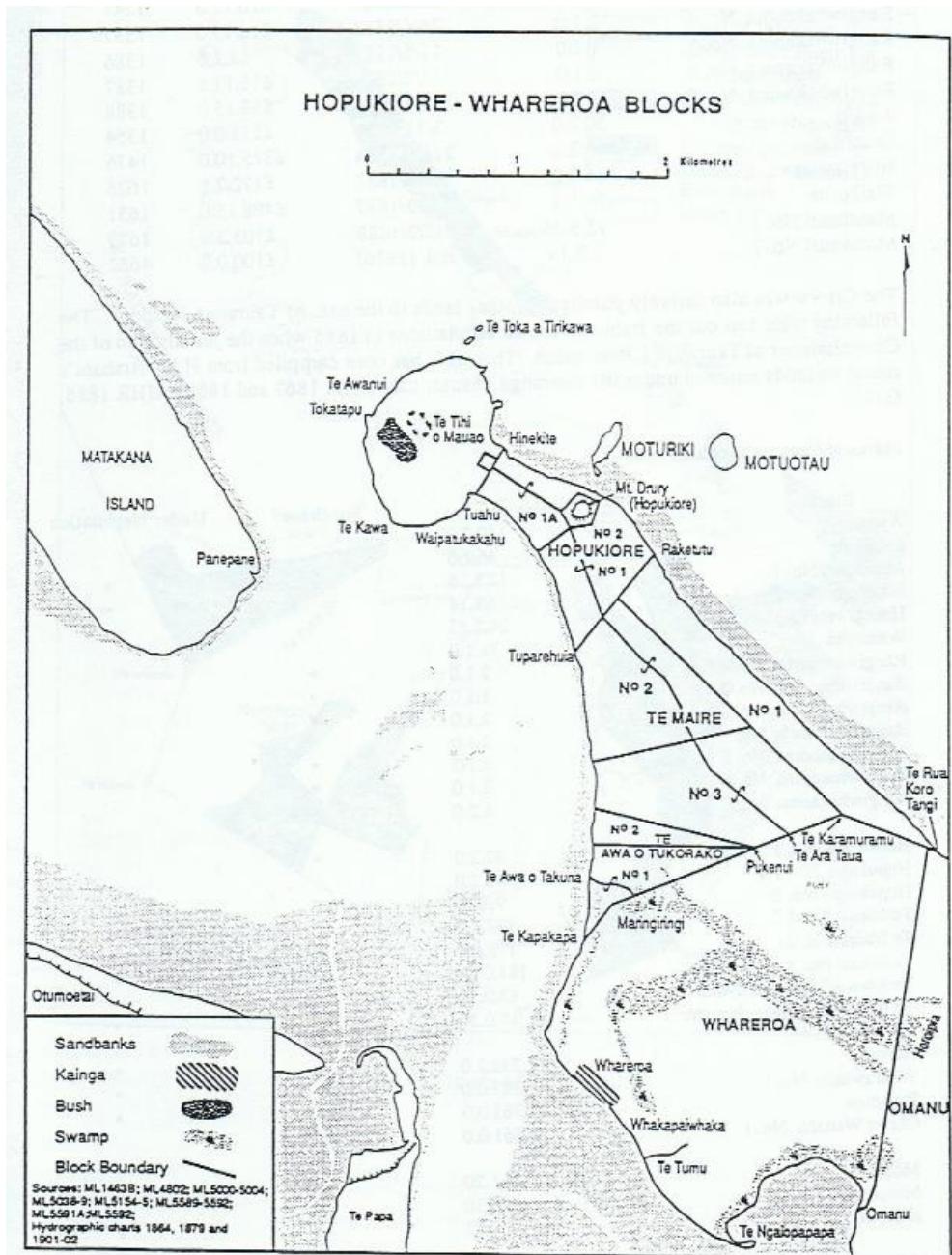


Figure 8 - Mauao Peninsular - Mauao Blocks (Collection of Evidence from Ngāi Tukairangi Hapū Hearing 2000

Mauao Reef Habitat

Mauao remains a customary harvesting ground for pāua, kina, mussels and other species. Koura (crayfish) used to be plentiful there but have declined. During a previous meeting with tangata whenua in 2007 regarding the redevelopment of the Mount Hot Pools, Ngāi Tukairangi kaumātua, Kihi Ngatai explained that following the Battle of Kokowai, the entire Waikorire (Pilot Bay) area was deemed wāhi tapu. Kihi also recalled recent koiwi (bones) remains being found during works around Mauao. Middens and hangi pits are numerous in Waikorire, Pilot Bay and around Mauao, and our kaitiaki are often present to assist with cultural monitoring in those areas.

Mahaki Ellis (2010), one of the kaumatua recalls Waikorire, Pilot Bay as a once healthy, abundant mahinga kai area for collecting tūangi. Many whānau of Ngāi Tūkairangi once collected kaimoana in this area frequently. He recalls his times as a child in the area, he says:

“My mother used to take us to the mount where we would look for kai from the moana and then bathe in the geothermal pool, which flows directly at the base of the Mount. This was something we did often as children” (in Ellis, 2010, p.8).

Te Paritaha

The sand bank of Te Paritaha has been a customary harvesting ground for many generations before European settlement and is still utilized by the whānau of Ngāi Tūkairangi to this day. In 2010, the Port stated the following pertaining to the desecration of part of this site:

“Any loss of pipis as a result of the proposed channel deepening and widening is assessed as minor in relation to the size of the shellfish resource.” (2010, p.9).

This statement reflects a culturally-illiterate lens being applied to a very clear and significant effect of the existing and proposed activity. **Any** loss of an already depleted resource of such high cultural value is a **significant** effect. Literature, observations and kōrero from koroua and kuia prove that the state of the kaimoana resources in Tauranga Moana, particularly within the harbour is in a rapid decline. This area is utilised by Ngāi Tūkairangi and other hapū as well. We strive as a hapū to preserve what is left of this traditional harvesting area to the best of our ability as it is a pātaka kai. The Port’s cumulative and ongoing effects on this highly significant fishery must be appropriately avoided, remedied or mitigated and an appropriate level of ongoing investment made into monitoring, research and replenishing the shellfish resource as well as the other affected fisheries. It is not acceptable to simply fob the effects off as minor, when they are in fact ongoing, cumulative and significant.

The proposed SPD and dredging reconsenting³ appear to be asking Ngāi Tukairangi to make yet another sacrifice of our significant cultural space in order to make way for economic growth. This is a repetitive occurrence, which is having cumulative impacts with far-reaching consequences over time. The depletion of our kaimoana stocks is just one impact and our hapū require that POTL **provide for a far more significant kaimoana restoration programme** to assist with preventing the ongoing degradation to our significant traditional areas.

³ Acknowledging that there is a portion of the dredging that is capital dredging.

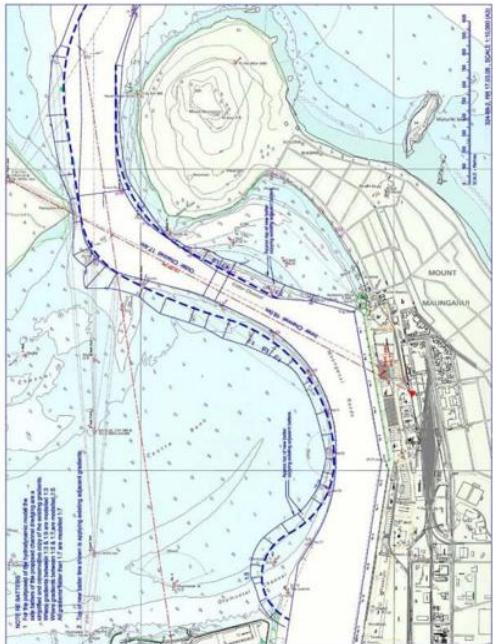


Table 2 - Map of Tauranga Harbour – Previous Dredging and Te Paritaha

Te Kuia Rocks

There is a small group of rocks at the entrance to the harbour called **Te Kuia Rocks**. Many people make offerings of kai to these toka upon journeying out to sea for safe passage and return. There are some differentiating legends behind the identity of Te Kuia. One version says that when the Tainui waka entered Tauranga Harbour and became caught on the sand-bar a woman named Wahine Rua was sacrificed in order for the waka to proceed.

Another version involves Te Kuia and her beloved pets, her kuri (dogs). This kuia that lived on Mauao at the time, went for a walk with her kuri. The path she took was a narrow winding path. Upon sighting a waka taua, a war canoe approaching she began to run for help, whereupon she tripped and fell down the sheer slope of Mauao and into the sea. The pets of this kuia, seeing her distress, began to bark and raise the alarm to the rest of the tribe of the approaching war party. The kuri could not bear to leave their owner, so unfortunately they all perished at the entrance of Mauao.

This kuia and her kuri are referred to in the Tauranga waiata “Na Te Rangihouhiri” as **Ngā Kuri Neko a Tarawhata**. Sometimes the waves beating against these toka would make a barking noise. This was a tohu, sign to Ngāi Tukairangi that someone had passed away. The significance of this area pertains to the death of someone of significance in relation to an important event. An area such as this is classed as waahi tapu, whereupon the

offering of food will achieve a state of noa. In the past, Te Kuia Rocks have been acknowledged by the Port as part of their environmental reporting process.

Te Marutūahu

The mussel reef of Te Marutūahu lies between the islands of Moturiki and Motuotau. This is a traditional fishing ground of the Ngāi Tukairangi hapū. Kihi Ngatai states:

“this was a fishing ground that was managed under the authority of Tūkairangi prior to European settlement in Tauranga.” (p.10)

Waikorire

The Pilot Bay area is known by Ngāi Tukairangi as Waikorire. This is an area that was also traditionally used for customary harvesting, bathing and waka landing. Ngāi Tūkairangi acknowledges that the reef habitat within this area was remediated during previous dredging operations and expect that this site will not be impacted upon by the proposed new dredging activities under the current application. Two other significant sites no longer exist due to previous POTL development.

Te Awa o Tūkorako

Te Awa o Tūkorako was a river that was traditionally used as a ‘pātaka kai’ place for gathering kai, in particular the tuna – eel. Part of this waterway was also deemed ‘waahi tapu’ due to its affiliation to death. Warriors of Ngāi Tūkairangi would wash their spears after battle in this part of the awa which was named Te Horoipia. This place was drained and filled to make way for the initial developments of the Port of Tauranga facilities. Te Awa o Tūkorako is recounted in treaty claims research and can be found within Tauranga Raupatu reports.

Te Maire

This was a famous reef of Ngāi Tūkairangi which was renowned for its abundance of tāmure – snapper. It was once located not far offshore from where the Port of Tauranga currently resides. Te Maire was removed during initial development of the port. This is also recounted within Tauranga Raupatu reports. The progress and developments of the POTL have been the cause for massive amounts of traditional loss for Ngāi Tukairangi. There has been very little or no cultural redress for the hapū. The cultural effects of the present applications must be assessed against these existing effects as cumulative cultural effects rather than in isolation.

Otamataha / Te Papa

Ngāi Tukairangi hapū has a significantly important relationship with Otamataha / Te Papa which is located in the inner harbour near the harbour bridge. Our people lived there under the leadership of Koraurau, alongside Ngāti Tapu prior to the Ngāti Maru invasion, where our chief Koraurau was killed. Many fled the battle scene, and some swam over to

Whareroa where they re-established themselves. The area is hugely significant to us still today, and our rangatira were buried there, including Rawiri Puhirake, the great chief of Pukehinahina, Hori Ngatai, and several Faulkner whanau who all descend from Ruawahine.

Sulphur Point (Te Pari o te Tai)

This reclaimed area was originally a sand bank, but now it is used for the POTL, other industrial activity such as boating and recreational purposes as well a large recreational reserve on the other side of Sulphur Point, closest to Otumoetai. Our relationship to this area stems from the Otamataha / Te Papa area within which we are associated. Otamataha in particular is a hugely significant area for our hapū, and the basin within which these areas are located from the Mt Maunganui Peninsular, through to Te Papa, and then to Sulphur Point provide a natural association within which Ngāi Tukairangi hapū is situated. This area is also directly opposite where our other kāinga are located.



Figure 9 - Sulphur Point

A summary table highlighting some of these sites is below.

Table 3 - Significant Sites in around Mount Maunganui – Inner and Outer Harbour (see (see Ellis, 2014, pp. 17-18).

Mauao	As referred to earlier, there are many significant sites located around the maunga itself, as depicted in Figure 3 above. However, in saying that as the CMP discusses the impact of the catchment, the following sites that are nestled around the base of Mauao become extremely important culturally, those being – Tuahu, Waipatukakahu, Te Kawa, Te Rua Rapapari, Tokatapu, Te Kuia, Te Ara Mahiti, Haupapa, Nga Kuri Neko a Tarawhata, Te Toka a Tirikawa, Te Awanui, Te Puapuanui and Hinekite. The significant sites within Mauao are also important and are highlighted on the map above.
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Moturiki	Moturiki is a significant island, that Ngāi Tukairangi were extensively associated in with historically and today, whilst ownership of the island has changed to the Tauranga City Council, the connection is still prevalent culturally, spiritually and practically and therefore is still important today. It is located within the sea and therefore is subject to impacts from the CMP.
Motuotau	Motuotau is a significant island, that Ngāi Tukairangi were extensively associated with historically and today, whilst ownership of the island has changed to the Department of Conservation, the connection is still prevalent culturally, spiritually and practically and therefore is still important today. It is located within the sea and therefore is subject to impacts from the CMP.
Hopukiore	Hopukiore, is a small puke that was culturally important to Ngāi Tukairangi historically and today. More recently, Ngāi Tukairangi representatives have led the proceedings for the Waitangi Day celebrations at this location, but more specifically it was a culturally important site for our people historically as well. Therefore, it is culturally, spiritually and of practical importance to our hapū members. It is located within one of the regions with the CMP, and therefore should be regarded as a significant site.
Raketutu	This is an important cultural site located on the Mt Beach side of the harbour.
Te Rua Korotangi	This is an important cultural site located on the Mt Beach side of the harbour, closer to Omanu. It is said that this is the sacred site of the mystical bird prolific in our history.
Te Karamuramu	This is an important cultural site that also connects us to the site in Papamoa, to which we are also connected.
Te Ara Taua	This is an important pathway for our taua, who fought in battle.
Pukenui	This is an important cultural site named so, as a specific puke, located near the awa o Tukorako.
Maringiringi	This is an important cultural site located near the inner harbour close to Whareroa.
Tuparehuia	This is an important cultural site located within the inner harbour area near Te Maire.
Te Awa o Takuna	This is an important cultural site renown for access to tuna.
Te Kapakapa	This is an important cultural site that has since been lost from industrial development.

Whareroa	Whareroa is not only renowned as the site for our marae; it is also well known for the overall land block and waahi. It has since been lost largely to industrial development.
Whakapaiwhaka	This is an important cultural site located within the inner Waipu Bay area.
Te Tumu	This is an important tuna that is located in the inner Waipu Bay area.
Te Ngaiopapapa	This is an important site within the inner Waipu Bay area.
Omanu	This is an important cultural site that is not only a point, but also a wider landblock of importance to our hapū. It is named so, to reflect of ‘birds’.
Waipu Bay	Waipu Bay is the inner harbour by the Mount Maunganui peninsular and Whareroa and Matapihi. It has become ever so significant because it is a waterway that reflects and reminds us of our old ways, when waterways were not blocked, and kaimoana was plentiful. There are also additional sites which are not located on this map, and which do not feature as part of the CSC area which is currently being considered as part of the CMP catchment review.

Te Māunga o Mauao Mataitai Reserve

The Te Māunga o Mauao Mātaitai Reserve is managed by Tauranga Moana Iwi Customary Fisheries Trust (“**TMICFT**”). It is an organisation that aims to ensure the fish stock within the marine habitat of the Tauranga inner harbour is pristine and flourishing where possible with marine life, and activity. In the Ngāi Tukairangi hapū Cultural Impact Report of 2010:

“Ngāi Tūkairangi hapū endorses the initiatives of the TMICFT and views the commitment to kaitiakitanga for Tauranga Moana as a crucial role to ensuring kaimoana resources will be accessible to future generations. The acknowledgement of kaitiakitanga within Section 7 of the Resource Management Act 1991 needs to be taken seriously” (Ellis, 2010, p.13)

Te Maunga o Mauao Mātaitai Reserve

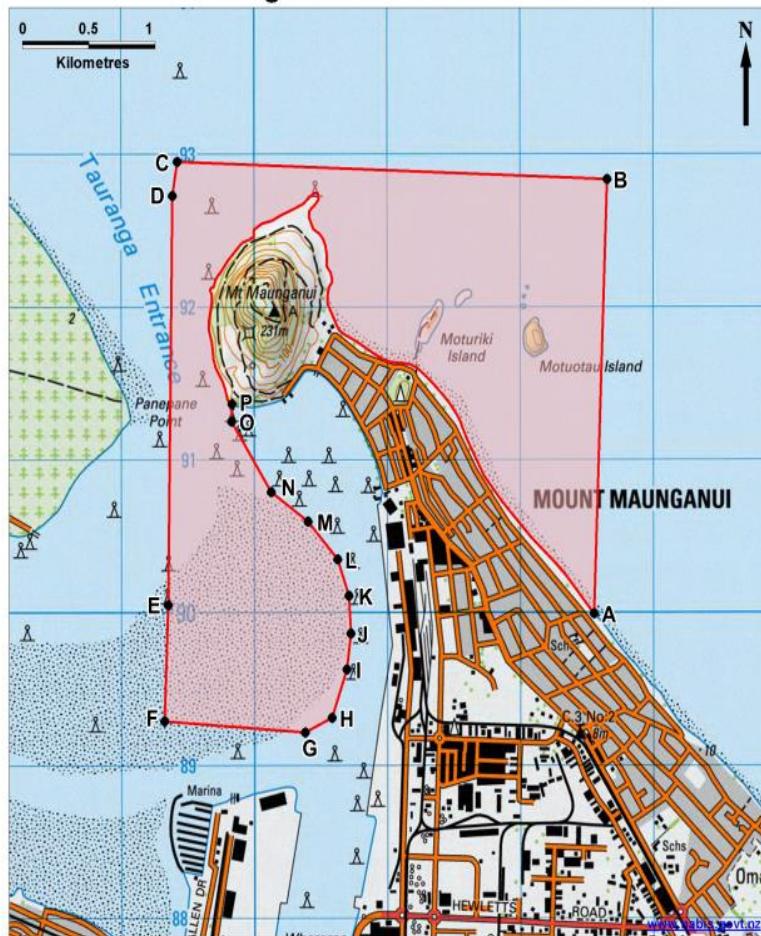


Figure 10 - TMICFT Te Maunga o Mauao Mataitai Reserve

Ngāi Tūkairangi is aware and supportive of protocols and programmes of monitoring being put in place between the Port and the TMICFT with respect to ensuring our role as kaitiakitanga is fulfilled. It is also understood that the Port funded a kaimoana restoration programme, following the 2013-2016 dredging application. The results from that programme were not known at the time of writing this report, however we defer to the TMICFT who we understand are preparing their own report. Ngāi Tūkairangi believes that the Port should continue to resource these types of programmes, and they should be enhanced to an appropriate level in light of the information provided above on the significant and central importance of these resources and include evidence-based requirements associated with the health of the mataitai reserve as specified by the TMICFT in their report.

Evidence from existing case studies of other ports, undertaking similar activities (see Section 5) highlight that ongoing impacts occur, regardless of the guarantees made by applicants to the contrary. This matter must be taken more seriously and Ngāi Tukairangi fully supports the recommendations and position of TMICFT on these matters.

4. IWİ AND HAPŪ PLANS, LEGISLATION AND TREATY SETTLEMENTS

The Tauranga Moana Iwi - Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pukenga produced an Iwi Management Plan (IMP) in 2008 for Te Awanui, Tauranga Harbour (Tauranga Moana Iwi Customary Fisheries Committee, 2008). The IMP was produced to provide a better understanding of cultural issues and customary practices pertaining to our roles as kaitiaki of the moana, and the harbour.

The relevant policies within the IMP that relate to the proposed SPD are listed in Ellis (2010). They relate to three main topics:

5.1.1 Pressures on Significant Cultural Sites – that iwi will work with stakeholders to ensure that significant sites are not damaged.

5.1.2 Impacts of Dredging – that if it significantly impacts food sources, the seabed or otherwise, iwi and hapū seek a guarantee that no major impacts occur.

5.2.1 Resource Consents - explicitly outline that iwi and hapū (most impacted party) are involved in the decision-making process regarding the impact of the resource consent.

Tauranga Moana Iwi Management Plan 2016-2026

In 2016, a further iteration of the Tauranga Moana Iwi Management Plan was produced for 2016 – 2026 (Tauranga Moana Iwi Customary Fisheries Committee, 2016). The plan represents the collective voice of Ngāti Ranginui, Ngāi Te Rangi and Ngāti Pukenga regarding the environmental management of the moana. The plan presents a proactive approach to environmental management, emphasising collaboration and the role of iwi and hapū as kaitiaki (guardians) of the environment. It has a number of core elements including the following:

- **Tūhauora Tinana (Healthy Waters)**: Focuses on the management of all waters within Tauranga Moana, including rivers, streams, coastal waters, and groundwater.
- **Tūhauora Whenua (Healthy Land)**: Addresses land use and development, aiming for sustainable practices.
- **Tūhauora Wairua (Cultural Heritage)**: Preserves special sites, places, and cultural practices, maintaining connections to the past.
- **Tūhauora Hinengaro (Knowledge)**: Emphasizes knowledge transfer, capacity building, and fostering future kaitiaki (guardians).
- **Tūhauora Whānau (Our People and Relationships)**: Enhances effective relationships and active involvement in resource management.

The IMP's overarching policy framework refers to the following:

- **Waters**: Includes coastal use, development, and fisheries management.

- **Land:** Focuses on sustainable land use and development.
- **Cultural Heritage:** Protects significant sites and cultural practices.
- **Knowledge:** Promotes education and knowledge transfer.
- **Relationships:** Strengthens internal and external relationships for better resource management.

At the time of writing the plan, Brian Dickson, CEO of Te Runanga o Ngāi Te Rangi, of Ngāi Tukairangi hapū had oversight of the plan and its development, and Kia Maia Ellis, also of Ngāi Tukairangi hapū was the author. The IMP 2016 was lodged with the Bay of Plenty Regional Council and is required to be given statutory recognition under the Resource Management Act 1991 (**RMA**). The IMP provides important leadership and guidance on how to care for the Moana from a Mātauranga Māori perspective. We also note that there is nothing in the plan that would suggest that the iwi has authority to override the rights of hapū such as Ngāi Tukairangi to express their own *mana whakahaere* (controlling authority) over areas of whenua and moana that are located within their own rohe.

The central whāinga or goal of the IMP 2016 is that by 2040, the **mauri of Tauranga Moana will be restored, healthy and abundant with life**. This means that:

- The collective values, principles and beliefs of Tauranga Moana Iwi are embedded in the management of Tauranga Moana;
- The mana and rangatiratanga of Tauranga Moana Iwi and hapū over Tauranga Moana is recognised;
- Tauranga Moana iwi and hapū are actively involved in the management of land, air, water and coastal resources within Tauranga Moana; and
- Environmental kaitiakitanga, economic prosperity, cultural integrity and social wellbeing are in balance (Tauranga Moana Iwi Customary Fisheries Committee, 2016, p.6).

These whāinga are a blueprint for the entire moana and the present applications for the SPD and Dredging Reconsenting **MUST** comply with each of these requirements in order to appropriately avoid, remedy and mitigate the effects of the proposed activities.

Hapū Management Plan 2014 - Ngāi Tukairangi, Ngāti Tapu

This plan mentions the Ngāi Tukairangi hapū in the context of their Hapū Management Plan (Ellis et al., 2014). The relevant provisions of the Ngāi Tukairangi, Ngāti Tapu Hapū Management Plan include:

- **Impact on kai moana:** All resource consent applications that potentially impact on kai moana (seafood) should avoid, remedy, or mitigate these impacts.
- **Dredging activity:** Any impact related to dredging activity carried out in Te Awanui must have mitigation measures outlined in resource consents to address impacts on kai moana.

- **Consultation:** Consent conditions related to the mitigation of impacts on kai moana must be carried out in conjunction with tangata whenua.
- **Dredged materials:** Dredged materials should be made available for the restoration and maintenance of areas susceptible to erosion as a mitigation measure.
- **Land reclamation:** Land reclamation should not impact the natural character of coastal foreshores of Waipu and Rangataua.
- **Meaningful consultation:** Any land reclamation resource consent applications in Te Awanui should be coupled with meaningful consultation with hapū.

These provisions highlight the importance of protecting kai moana, ensuring proper consultation with tangata whenua, and mitigating the impacts of dredging and land reclamation activities on the natural character of the coastal environment.

What it doesn't do is go far enough in terms of ensuring that our role as kaitiaki, as mana whenua in the area is enhanced, acknowledged and illuminated. Ten years on, we need to consider further issues that were not present to us then, that are becoming more prevalent as the years go by, **especially in respect to cumulative impacts.**

The impacts of the proposed **reclamation**s in terms of our claims to the foreshore and seabed must also be addressed from a land title perspective, particularly in the context of the cumulative effects of the initial land loss to create the Port through the Public Works Act takings, and the ongoing failures to provide appropriate and commensurate compensation for those takings. The current proposal to now take even more areas of Ngāi Tukairangi's sea garden by way of the proposed combined reclamation of 3.58 hectares without any consideration regarding the title to that reclamation (and simply assuming it should be held by the Port or other entity that is **not** Ngāi Tukairangi) highlights the ongoing, systemic and cumulative effects of the Port's activities in taking land and seabed from Ngāi Tukairangi without fair and reasonable compensation. These effects must be addressed by this application.

Hei Matapihi ki te Ao - Toi Te Moana, Toi Te Whenua, Toitū te Mokopuna

In 2024, an active research project sought to develop not only a response to climate change; but also key environmental issues that were important to our wider marae and hapū in our wider Matapihi community (Conroy, 2024). The key aspects of this report in terms of the sea or moana include:

- **Connection to Moana:** The Matapihi community has a deep connection to the moana, which is integral to their cultural practices, identity, and way of life. This connection is expressed through traditional practices, mātauranga, and artistic expressions.
- **Environmental Changes:** The community has observed significant changes in the moana due to climate change, land use, and urban development. These changes

include altered habitats for kaimoana (seafood), the proliferation of mangroves, and erosion of coastal areas.

- **Impact on Kaimoana:** There are concerns about the decline in kaimoana species such as patiki (flounder), tūangi (shellfish), and ureroa beds. The community has noted shifts in fish populations, water temperatures, and tidal patterns, which affect their traditional food-gathering practices.
- **Mangroves:** The rapid spread of mangroves in estuaries within the harbour is a significant issue. While mangroves play a role in reducing erosion and providing habitat, their proliferation is seen as an indicator of high sediment and nutrient levels due to urban development.
- **Sedimentation:** Increased sedimentation in Te Awanui (Tauranga Harbour) has led to changes in coastal habitats, including the reduction of seagrass beds, which are crucial for stabilizing the shoreline and providing habitat for kaimoana and bird species.
- **Community Actions:** The Matapihi community is actively engaged in initiatives to restore and protect their moana. This includes wetland restoration, monitoring environmental changes, and managing mangroves. They also emphasize the importance of kaitiakitanga (guardianship) and mana moana (authority over the sea).
- **Collaborative Efforts:** The community collaborates with local councils, research organizations, and academic institutions to address the impacts of climate change on the moana and develop sustainable solutions.

AHO Reo	Represents our language relating to our taiao, our people and our practices. This includes hītori (history), waiata (songs), kiwaha (sayings) and whakataukī (proverbs). Our reo is our connection to our past as it carries intergenerational knowledge. Interviews with kaumātua (elders) provide insights into our taiao, including traditional practices and changes observed over time.
AHO Hī Ika	Represents the Matapihi users of the moana. Our water users have a practical connection to taiao. They see and experience environmental change first-hand. This includes changes in kaimoana (e.g., size, abundance, species); pest species (species and extent); coastal habitats; as well as bank stability.
AHO Toi	Represents the Māori artists of Matapihi. Our Māori artists interpret and reflect upon their environment through artistic expression. Toi is a medium to convey connections to whenua and moana, fostering awareness and understanding of climate change within the Matapihi community.

Figure 11 - AHO framework, (Conroy, 2024, p.37).

These themes highlight the community's commitment to preserving our moana, adapting to environmental changes, and ensuring the well-being of future generations. Overall, the AHO Hī Ika aspect of the AHO framework in the plan emphasises the importance of practical experiences and observations from those who interact directly with the moana, and how they contribute valuable insights into environmental changes that foster community resilience. The AHO framework was developed in the context of Matapihi, but it can be applied wider across the Ngāi Tukairangi.whenua and moana.

Summary - Hapū and Iwi Management Plans

These hapū and iwi management plans give us structure to our environmental stewardship roles. The Ngāi Tukairangi.hapū therefore expects the policies in the plans identified to be implemented by POTL in relation to the present applications, to not only acknowledge that the area is our papakāinga and tūrangawaewae, but also to ensure that our concerns are taken into consideration and that **ALL** of the effects of the proposed activities are appropriately avoided, remedied, or mitigated, particularly where the degradation of significant areas is at risk or the cumulative effects are significant. Our hapū requires that **any** potential adverse effects on our kaimoana gardens are avoided, remedied or appropriately mitigated, in consultation with Ngāi Tukairangi.

Fast-track Approvals Act 2024

The provisions of the new FTAA create a different regime within which to consider the input and recognition of tangata whenua, and how our needs are considered and our interests protected. Consultation and Information Requirements:

- **Section 17(d) & (2), Section 18(2):** These provisions require the Minister of Infrastructure to invite written comments from relevant Treaty settlement entities, including any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area.
- **Section 29(1)(a), Section 11:** These provisions require POTL to consult with “any relevant iwi authorities, hapū, and Treaty settlement entities” before lodging a substantive application. This ensures that iwi and hapū are informed and have the opportunity to provide input on the project.
- **Section 43(1)(e)(ii)(a) and 43(3)(a):** This clause provides that a substantive application must comply with the requirements listed in subsection (3) that apply to the approvals sought; subsection 3(a) provides that for an approval for a resource consent, clauses 5 to 8 of Schedule 5 of the FTAA apply.
- **Schedule 5, Clause 5 - Information required in consent application:** This clause prescribes the information required to be included in a consent application and includes:
 - **Clause 5(1)(b)(i):** A map of the activity site that includes any statutory area as defined in a relevant Treaty settlement Act;

- **Clause 5(1)(b)(iii):** A protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011 (**MACA**);
- **Clause 5(1)(g):** an assessment of the activity against sections 5, 6, and 7 of the RMA;
- **Clause 5(1)(h) and 5(2)(g):** an assessment of the activity against any relevant provisions in any of the documents listed in subclause (2) which includes a planning document recognised by a relevant iwi authority and lodged with a local authority.
- **Clause 5(1)(i):** information about any Treaty settlements that apply in the area covered by the consent application, including identification of relevant provisions in those Treaty settlements and a summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area.
- **Schedule 5, Clause 5(1)(j):** a list of any relevant customary marine title groups, protected customary rights groups, or applicants under the MACA.
- **Schedule 5, Clause 5(1)(k):** the conditions that the applicant proposes for the resource consent.
- **Schedule 5, Clause 5(5)(c):** if the activity is to occur in an area that is a taiāpure-local fishery, a mātaitai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996, an assessment of the effects of the activity on the use or management of the area.
- Schedule 5, Clause 6 - Information required to assess environmental effects:
 - **Clause 6(1)(a):** (a) an assessment of the actual or potential effects on the environment;
 - **Clause 6(1)(c):** if the activity includes the discharge of any contaminant, a description of—
 - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
 - **Clause 6(1)(d):** a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity;
 - **Clause 6(1)(e):** identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal.
 - **Clause 6(1)(g):** if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved.

- **Schedule 5, Clause 7 – Matters to be covered in assessment of environmental effects:** The assessment of an activity's effects on the environment under clause 5(4) must cover the following matters:
 - **Clause 7(a):** any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects;
 - **Clause 7(b):** any physical effect on the locality, including landscape and visual effects;
 - **Clause 7(c):** any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity;
 - **Clause 7(d):** any effect on natural and physical resources that have aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations;
 - **Clause 7(e):** any discharge of contaminants into the environment and options for the treatment and disposal of contaminants;
 - **Clause 7(f):** any unreasonable emission of noise;
- **Schedule 5, Clause 8 - Information required in application for subdivision or reclamation:** In addition to the information required by clause 5, a consent application for a reclamation must include information to show the area to be reclaimed, including the following:
 - **Clause 8(2)(a):** the location of the area to be reclaimed;
 - **Clause 8(2)(b):** if practicable, the position of all new boundaries;
 - **Clause 8(2)(c):** any part of the reclaimed area to be set aside as an esplanade reserve or esplanade strip.
- **Schedule 7, Clause 2(1)(n):** This clause requires an application for a wildlife approval to provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts.
- **Section 53(2):** This section requires the Environmental Protection Authority (**EPA**) to invite written comments on a substantive application from:
 - **Section 53(2)(b):** relevant iwi authorities;
 - **Section 53(2)(c):** relevant Treaty settlement entities;
 - **Section 53(2)(e):** any applicant group under the Marine and Coastal Area (Takutai Moana) Act 2011 that is identified in the report prepared under section 18 or 49 and seeks recognition of customary marine title or protected customary rights within the area to which the substantive application relates;
 - **Section 53(2)(g):** the tangata whenua of any area within the area to which the substantive application relates that is a taiāpure-local fishery, a mātaitai reserve, or an area that is subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996; and
 - **Section 53(2)(h):** the owners of the land to which a substantive application relates and the land adjacent to that land; and

- **Section 53(2)(i):** the occupiers of the land to which the substantive application relates and the land adjacent to that land
- **Section 70:** This section requires the EPA to provide draft conditions to every group that provided comments under s53 (as noted above), inviting such groups to comment on the draft conditions.
- We highlight that Ngāi Tukairangi holds multiple rights to comment on the substantive application under section 53 and provide comments on the draft conditions under s70 due to the multiple roles held by Ngāi Tukairangi as part of a relevant iwi authority, being a relevant Treaty Settlement Entity, being part of an applicant group under the MACA⁴, being tangata whenua of a mātaitai reserve, being owners of the land to which a substantive application relates and the land adjacent to that land, as well as occupiers of the land to which the substantive application relates and the land adjacent to that land. POTL should not presume that the concerns and issues for Ngāi Tukairangi in relation to the application under each of these relevant roles are the same as each role requires bespoke and specific consideration of the impacts and effects of the proposed activities.

Ngāi Tukairangi Hapū Trust (a Treaty Settlement Entity)

With regards to Section 53(2) and Section 70, the **Ngāi Tukairangi Hapū Trust** is a Treaty settlement entity, established on 20 November 2013. In our Trust Deed (“**Deed**”), the purpose of the Ngāi Tukairangi Hapū Trust is to receive, manage, hold, and administer the Trust's Assets on behalf of and for the benefit of the beneficiaries in accordance with the Deed. Specifically, the trustees may:

- Receive distributions, benefits, money, or property from the Ngāi Te Rangi Settlement Trust attributable to Ngāi Tukairangi.
- Promote and advance the mauri, reo, tikanga, kawa, and values of Ngāi Tukairangi (*noting this is directly relevant to the consent applications*).
- Promote, research, record, and advance the learning of Ngāi Tukairangi te reo Maori, history, whakapapa, tikanga, kawa, and traditions (*noting this is directly relevant to the consent applications*).
- Promote the educational, spiritual, economic, social, and cultural advancement or well-being of Ngāi Tukairangi and the Beneficiaries (*noting this is directly relevant to the consent applications*).
- Protect, preserve, and enhance the taonga of Ngāi Tukairangi (noting this is directly relevant to the consent applications as Tauranga moana is a taonga).

⁴ Ngāi Tukairangi is a party with other hapū in a successful MACA determination with regards to the Rangataua Bay, and we are awaiting directions with regards to the coastal area on the ocean side of Mount Maunganui and the inner harbour area.

- Promote and provide for the exercise of kaitiakitanga over places of cultural or spiritual significance to Ngāi Tukairangi (*noting this is directly relevant to the consent applications*).
- Promote the health and well-being of Ngāi Tukairangi and the Beneficiaries, including the aged or those suffering from mental or physical sickness or disability (*noting this is directly relevant to the consent applications*).
- Distribute benefits directly or indirectly to the Beneficiaries.
- Promote, represent, and advance the standing of the Ngāi Tukairangi hapū in local, regional, or central government matters.
- Support and work collaboratively on the advancement, growth, and strengthening of Ngāi Tukairangi identity with Hungahungatoroa and Wharerua Marae entities.

Ngāi Tukairangi Hapū Trust therefore holds the specific roles identified above as a relevant Treaty Settlement Entity for the purposes of these applications. These roles relevantly include that we are required to “protect preserve and enhance the taonga of Ngāi Tukairangi, “promote and provide for the exercise of kaitiakitanga over places of cultural or spiritual significance to Ngāi Tukairangi” and “promote and advance the mauri, reo, tikanga, kawa, and values of Ngāi Tukairangi”. We are further required to “promote the educational, spiritual, economic, social, and cultural advancement or well-being of Ngāi Tukairangi”, “promote, research, record, and advance the learning of Ngāi Tukairangi te reo Maori, history, whakapapa, tikanga, kawa, and traditions” and “promote the health and well-being of Ngāi Tukairangi” (Ngāi Tukairangi Hapū Trust, 2013).

The Ngāi Te Rangi Deed of Settlement details who is represented in this legislation. Ngāi Te Rangi means every whanau, hapū or group to the extent that it is composed of individuals referred to in clause 8.6.1 including the following: **(f) Ngāi Tukairangi.**

Ngāi Tukairangi hapū, will be the recipient of commercial property located within our rohe. These include the Mauao peninsular, including the Port of Tauranga area (specifically one property being vested in Ngāi Tukairangi hapū, which is designated as being for Port purposes). There is also property in Otamataha or the Tauranga CBD, which relates to our interests stemming over and into that area; and the Sulphur Point area as well. As has been clearly outlined in the previous cultural values section, these statements are reiterated in our historical records within the Waitangi Tribunal.

The FTAA legislative framework clearly sets out the requirements on the POTL in its consultative and information requirements, and requires that Ngāi Tukairangi be engaged with and consulted and that the adverse effects of this activity on Ngāi Tukairangi are fully assessed as the hapū “at place” who hold mana whenua / mana moana over the vast majority of the application site.

5. ASSESSMENT OF TECHNICAL IMPACTS

This section of the report provides an assessment of the POTL SPD with a particular focus on how technical issues, such as its hydrodynamic, sedimentation, marine ecology, air quality, and visual impacts affect Ngāi Tukairangi hapū. This section seeks to evaluate the potential environmental and cultural risks posed by the applications, providing cultural perspectives on the scientific findings and mitigation measures.

Relevant Regulatory Frameworks

This assessment discusses key national and regional regulatory frameworks that govern environmental and cultural impact assessments for coastal developments in Aotearoa New Zealand that are required to be considered under the FTAA. These frameworks provide a legal basis for evaluating potential environmental changes and determining necessary mitigation strategies.

Resource Management Act 1991

As noted above, clause 5(1)(g) of Schedule 5 to the FTAA requires that the consent application include an assessment of the activity against sections 5, 6, and 7 of the RMA. A detailed assessment of the proposed activity against these three sections of the RMA is beyond the scope of this CVR, however we provide our general comments in relation to each of the sections below.

We also note the omission under the FTAA of section 8 of the RMA from this assessment which requires that all persons exercising functions under the RMA take into account the **principles of the Treaty of Waitangi**. Ngāi Tukairangi expresses our ongoing objection to that omission, and we invite the POTL to voluntarily observe that requirement, in good faith and in recognition that these consents are requested for a 35 year term.

Under these sections of the RMA, the POTL must demonstrate that its application:

- Section 5, RMA: Promotes the sustainable management of natural and physical resources which means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
 - sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Ngāi Tukairangi's position is that the proposal in its present state and with the draft conditions provided does not promote the sustainable management of natural and physical resources in a way that enables Ngāi Tukairangi to provide for their social, economic, and cultural well-being. This conclusion is primarily because the proposal does not sustain the potential of Tauranga moana to meet the reasonably foreseeable needs of our future generations, does not safeguard the life-supporting capacity of the water and ecosystems in the moana, and does not avoid, remedy or mitigate the adverse effects of the proposal on the environment, noting that the definition of the term "environment" under the RMA specifically includes people and communities as well as the moana. The recommended conditions provided by Ngāi Tukairangi later in this CVR address these areas of concern.

- Section 6, RMA: Recognises and provides for the following matters of national importance:
 - S6(a): the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
 - S6(c): the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
 - S6(e): the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

Ngāi Tukairangi's position is that the proposal does not appropriately recognise and provide for the matters of national importance listed under ss 6(a), 6(c), or 6(e). The natural character of the coastal environment that is Ngāi Tukairangi's rohe moana will be significantly impacted by the proposal and we are not yet satisfied that the proposed conditions appropriately protect these areas. Similarly we are not yet satisfied that the significant habitats of indigenous fauna namely our kaimoana reserves identified in the previous sections and particularly the Te Paritaha pipi beds have been recognised and provided for as required, and much more needs to be done under the proposed conditions to ensure their protection.

Finally, but significantly, we do not accept that the proposal recognises and provides for **the relationship of Ngāi Tukairangi and our culture and traditions with our ancestral lands, water, sites, waahi tapu and other taonga**. As noted in the suggested conditions later in this CVR, POTL needs to recognise and provide for our relationship to our rohe moana as a matter of national importance and this requires a far greater level of recognition of our role as mana whenua to the vast majority of the application area, acknowledgement of the further taking of our rohe moana through the reclamation process, and the ongoing requirements to provide for our culture and traditions with our moana.

- Section 7, RMA: Has particular regard to:
 - S7(a): Kaitiakitanga;
 - S7(b): The efficient use and development of natural and physical resources;
 - S7(c): the maintenance and enhancement of amenity values;
 - S7(d): intrinsic values of ecosystems;
 - S7(f): maintenance and enhancement of the quality of the environment;
 - S7(g): any finite characteristics of natural and physical resources;

Ngāi Tukairangi's position is that the proposal does not have particular regard to subsections 7(a) - 7(d), 7(f) or 7(g). There are no conditions proposed that enable our exercise of kaitiakitanga. The use of the natural resource (i.e. the moana) is not fully efficient because it does not have particular regard to Mātauranga Māori, and places higher value on pure economic benefits while devaluing adverse effects such as those on the pipi beds at Te Paritaha. The consideration of amenity values effects, particularly at Matapihi and along the Mauao peninsular also lacks a cultural lens and fails to identify adverse effects on amenity values from a Te Ao Māori perspective. The intrinsic values of ecosystems is not given particular regard, specifically in relation to the inadequate provisions relating to kaimoana protection and restoration. Related to this, the maintenance and enhancement of the quality of the Tauranga Moana environment as a whole is not given enough primacy in the draft conditions. Finally the finite characteristics of the kaimoana resources and the moana itself in terms of the reclamations being proposed are not even considered in such terms. We have suggested further conditions to address these issues later in this CVR.

New Zealand Coastal Policy Statement (NZCPS) 2010

Section 43 of the FTAA sets out the requirements for substantive applications. For approvals that would otherwise be applied for under the RMA, clauses 5 to 8⁵ of Schedule 5 apply. Clause 5(1)(h) requires an assessment of the activity against the NZCPS 2010. The NZCPS 2010 provides national-level guidance on managing coastal environments. Policies 11, 13, and 15 are particularly relevant:

- Policy 11: Protects indigenous biodiversity from adverse effects of development.
- Policy 13: Requires the preservation of natural character in the coastal environment.
- Policy 15: Ensures the protection of natural features and landscapes of coastal significance, including cultural landscapes valued by Māori.

⁵ Clauses 6 and 7 refer to the requirements of the assessment of environmental effects, including the requirement in clause 7(a) to assess the activity's effects on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects. Clause 8 relates to subdivisions.

More importantly, Objective 3 and Policy 2 of the NZCP 2010 are relevant. Under Objective 3 the principles of the Treaty of Waitangi are to be taken account of, recognising the role of tangata whenua as kaitiaki and providing 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,
- incorporating Mātauranga Māori into sustainable management practices, and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua

Policy 2 provides that, in taking account of the principles of the Treaty of Waitangi, and kaitiakitanga, in relation to the coastal environment:

- recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, particularly at places where they have lived and fished for generations,
- provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application is dealing with cultural significance, and Māori experts, including pūkenga⁶, may have knowledge not otherwise available,
- take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi or hapū and lodged with the council.

Bay of Plenty Regional Policy Statement (BOP RPS)

Clause 5(1)(h) also requires an assessment of the activity against the BOP RPS.

Section 2.6 of the BOP RPS sets out the relevant objectives and policies. Objective 13 states that: 'Kaitiakitanga is recognised, and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are systematically taken into account in the practice of resource management'. Objective 15 provides that: Water, land, coastal and geothermal resource management decisions have regard to iwi and hapū resource management planning documents.' Objective 17 states that: The mauri of water, land, air and geothermal resources is safeguarded and where it is degraded, where appropriate, it is enhanced over time.

Policy IR 4B refers to using consultation in the identification and resolution of resource management issues. Policy IW 4B is about taking into account iwi and hapū resource management plans and Policy IW 6B encourages tangata whenua to identify measures

⁶ A person skilled or versed in the customary and traditional knowledge, tikanga, arts, histories and genealogies of a particular iwi or hapū.

to avoid, remedy or mitigate adverse cultural effects. Policy IW 2B recognises matters of significance to Māori.

Bay of Plenty Regional Natural Resources Plan (BOP RNRP)

Chapter 3, the KT Kaitiakitanga section of the BOP RNRP sets out the relevant objectives and policies:

- Objective 1 requires the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to be recognised and taken into account in the management of water and land.
- Objective 3 requires consultation with tangata whenua to recognise their societal structures, practices, protocols, procedures, and status under the RMA.
- Objective 4 requires the water and land concerns of tangata whenua are taken into account and addressed as part of resource management processes, while recognising that different iwi and hapū may have different concerns or practices.
- Objective 5 refers to iwi resource management planning documents and requires these to be given regard to in terms of water and land management decisions.
- Objective 7 requires that the spiritual, cultural and historical values of water and land (including waahi tapu, taonga and sites of traditional activities) to tangata whenua are identified.
- Policy 1 of the BOP RNRP recognises that tangata whenua, as indigenous peoples, have rights protected by the Treaty of Waitangi (Te Tiriti o Waitangi) that consequently the RMA accords Māori a status distinct from that of interest groups and member of the public.
- Policy 2 takes into account the principles of the Treaty of Waitangi in the management of land and water.
- Policy 3 encourages tangata whenua to identify their particular requirements to address sections 6(e) and 7(a) RMA matters in relation to their ancestral lands (rohe), sites or resources, and mauri.
- Policy 7 makes provision for kaitiaki to manage their ancestral land and water where this is consistent with the RMA.
- Policy 8 recognises that kaitiakitanga involves the protection of taonga, waahi tapu, significant sites, traditional use sites, and other natural and physical resources of importance to tangata whenua.
- Policy 9 requires particular regard to be given to kaitiakitanga, including customary use and management practices relating to water and land, including mahinga kai whenua and mahinga kai awa, waahi tapu and taonga

raranga, in accordance with tikanga Māori, and the mana and responsibilities of Nga Tangata Pukenga, where this is consistent with the RMA.

- Policy 11 recognises and provides for the mauri of water and land when assessing resource consent applications.
- Policy 13 seeks to advise and encourage resource consent applicants to consult directly with tangata whenua where it is necessary to identify the relationships of Māori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga, and the actual and potential adverse effects of proposed activities on that relationship.
- Policy 14 requires consultation with tangata whenua on water and land management issues according to the requirements of the RMA, tikanga Māori methods of consultation, and in a manner consistent with case law.
- Policy 15 requires consultation with all appropriate tangata whenua holding mana whenua in circumstances where rohe (tribal boundaries), or areas of ancestral or historic interest overlap.
- Policy 16 recognises that different iwi and hapū may have different water and land management concerns, practices and management methods.
- Policy 17 requires iwi resource management planning documents to be given regard to when considering resource consent applications.
- Policy 18 provides that where land and water or sites of spiritual, cultural or historical significance to tangata whenua are identified effects on these areas and sites are to be avoided, remedied, or mitigated.
- Policy 19 encourages tangata whenua to recommend appropriate measures to avoid, remedy or mitigate the adverse environmental effects of the use and development of water and land. And
- Policy 20 requires that the assessment of effects of proposed development activities on the cultural and historic values and sites of water and land to be undertaken in consultation with tangata whenua.

The FTAA at Schedule 5, clause 5(3) requires that an assessment of the NZCPS 2010 and BOP RPS, and the BOP RNP must include an assessment of the activity against any relevant objectives, policies in the NZCPS 2010, BOP RPS, and BOP RNP including those identified above.

The proposal is required to be assessed against all of the relevant portions of these statutory plans and policies identified in order to determine whether the activities are consistent with their requirements.

Iwi Management Plans and Treaty of Waitangi Settlements

Ngāi Tukairangi hapū is directly affected by past and ongoing Treaty settlements relating to Te Awanui and land confiscation. The Tauranga Moana Iwi Management Plan (IMP)

outlines clear expectations for environmental and cultural protection, particularly regarding marine health, industrial expansion, and the sustainability of kaimoana resources. The Hapū Management Plan (HMP) also refers to the importance of protecting kai moana, ensuring proper consultation with tangata whenua, and mitigating the impacts of dredging and land reclamation activities on the natural character of the coastal environment (see Section 3, pp. 25 to 27).

A key component of this CVR is ensuring that the POTL application aligns with these expectations and that Ngāi Tukairangi hapū is involved in any ongoing environmental or cultural decision-making processes that ensue as a result of this application.

Past Case Studies: Lessons from Similar Coastal Developments

To provide a technical precedent, this report briefly reviews past port expansions and dredging projects in Aotearoa New Zealand and their documented environmental and cultural impacts.

Port of Auckland Expansion (2021–2023)

- Key issue: Increased sedimentation affected snapper spawning grounds.
- Mitigation strategy: Real-time sediment monitoring and adaptive dredging techniques were implemented to reduce fine sediment plumes.
- Outcome: Although mitigation was partially successful, residual habitat loss led to ongoing concerns from local iwi and fishers (Ports of Auckland, 2023).

Napier Port Wharf Extension (2020–2022)

- Key issue: Disruption to customary fishing areas due to habitat changes.
- Mitigation strategy: Development of artificial reef structures to replace lost habitat and iwi-led monitoring programs.
- Outcome: Positive for benthic recovery but required ongoing adjustments to dredging practices (Napier Port, 2022; O'Reilly, 2017).

Lyttelton Port Reclamation (2018–2021)

- Key issue: Decline in pāua and kōura populations due to habitat modification.
- Mitigation strategy: Relocation of affected species, establishment of marine protection zones.
- Outcome: Some recovery observed, but long-term monitoring still required (Lyttelton Port Company, 2021).

An in-depth analysis of the cumulative impact of the POTL dredging is likely to result in similar, if not worse findings⁷.

⁷ Unfortunately, a review of previous studies was not possible due to the time restrictions to present this report as per the deadlines expected.

Why This Section is Important

The SPD seeks to expand wharf infrastructure and conduct large-scale dredging significantly altering the marine environment. The potential impacts include:

- Changes in tidal flow and sediment transport, which could disrupt historically significant kaimoana gathering areas.
- Ecological shifts due to habitat destruction, potentially displacing culturally significant species such as pātiki (flounder), kōura (crayfish), pipi, mussel beds, and tuangi (cockles).
- Industrial encroachment near Whareroa Marae, which has already faced increasing environmental stress from port-related activity.
- Reduced air and water quality, leading to health concerns for the local iwi community.

This section of the report aims to bridge the gap between technical environmental assessments and cultural values, ensuring that Ngāi Tukairangi hapū's concerns are scientifically validated and addressed. This assessment supports informed decision-making that upholds both environmental sustainability and cultural integrity based on tikanga Māori. A number of key considerations are outlined as a result.

Technical Impacts and Effects - A Review

1. Hydrodynamics and Sedimentation Effects

The SPD involves large-scale dredging and reclamation, altering tidal currents, sediment transport, and wave behaviour within Te Awanui (Tauranga Harbour). These changes may impact kaimoana habitats, water quality, and shoreline stability, affecting Ngāi Tukairangi hapū's role as kaitiaki. Key hydrodynamic changes include:

- Increased sedimentation in culturally significant areas, potentially affecting tuangi (cockles), pipi, and kūtai (mussels).
- Disruptions to tidal flow, which may alter natural flushing and impact water quality.
- Erosion risks along **shorelines**, including areas near Whareroa Marae.

Sediment Transport and Dredging Impacts

Dredging will release fine sediments, forming turbidity plumes that reduce water clarity and may smother seabed habitats. Hydrodynamic modelling suggests that:

- Sediments may remain suspended for 24–72 hours, affecting marine productivity.
- Dredged material could settle up to 2 km away, impacting traditional fishing grounds.
- Changes in sediment transport could increase erosion in some areas while causing sediment buildup in others.

A similar case study at Lyttelton Port showed unexpected shoreline erosion following deep-water dredging, underscoring the need for pre-emptive sediment control measures.

Hydrodynamics and Sedimentation Effects - Our Hapū Position

There are several issues raised in the technical report by (De Lange, 2024) on the *Assessment of Effects on Hydrodynamics and Sedimentation*. The author argues that the impacts of dredging on tidal flow and sedimentation are minor, localised, and within natural variability. The modelling suggests that turbidity levels will not exceed existing environmental baselines and that sediment deposition is unlikely to reach culturally significant kaimoana beds.

We do not agree with this assessment. The report fails to fully account for cumulative effects on sediment transport across Te Awanui, and into other bays, and also particularly in low-energy subtidal zones that sustain traditional harvesting. It also omits any direct evaluation of kaimoana recovery timelines or species-specific sensitivities to long-term sediment exposure. Given the case studies from Lyttelton and Napier, which showed unforeseen erosion and smothering of benthic habitats post-dredging, we believe this issue remains unresolved. In addition, there is an accumulation of sediment in the Waipu estuary which has arguably been as a result of Port activities. We are exploring ways in which to remedy this build-up, with little success at this time.

Further work is required to assess the **long-term and cumulative effects** of sedimentation on cultural and ecological values, with site-specific monitoring of kaimoana health pre- and post-construction, tied to appropriately funded and ongoing resourcing of a comprehensive kaimoana protection and restoration plan as recommended by the TMICFT. Whilst we acknowledge this is a re-consenting application; there are still capital dredging components contained and the ongoing long term and cumulative effects must continue to be monitored and addressed. Such work should be carried out by tangata whenua as far as possible to provide for the input of Mātauranga Māori and the exercise of kaitiakitanga over our rohe moana. Conditions providing for appropriate training and resourcing for these activities over the life of the consents are recommended by TMICFT and strongly supported by Ngāi Tukairangi.

Potential Mitigation Strategies

To minimise impacts on Ngāi Tukairangi hapū papa moana, marine environment and resources, the following measures must be considered:

- Improved dredging techniques (e.g., controlled overflow systems to reduce sediment plumes).
- Real-time sediment monitoring, with sensors placed at kaimoana beds or seabed areas.

- Restoration initiatives, including reseeding kaimoana stocks and reinforcing vulnerable shorelines (where tangata whenua / mana whenua are actively involved).

Recommendation

It is recommended that mitigation measures must include stricter monitoring and hapū oversight and participation. A precautionary approach is necessary, ensuring any unexpected effects are addressed promptly.

2. Marine Ecology and Biodiversity Effects

Te Awanui-Tauranga Harbour is a highly diverse marine ecosystem, supporting taonga species such as pātiki (flounder), kanae (mullet), kōura (crayfish), and kaimoana beds (tuangi, tītiko, kukuroroa, pipi, pāua and kūtai). The expansion of the Stella Passage—through dredging, reclamation, and increased vessel traffic—poses risks to these species by altering their habitat, food sources, and reproductive processes.

For Ngāi Tukairangi, these species are not just resources but part of our whakapapa (genealogy), culture, and identity. Any ecological decline directly affects cultural practices, such as customary harvesting and manaakitanga (hospitality through shared food).

There are a number of key ecological risks:

Habitat Destruction and Displacement

- Dredging will remove seabed habitats, disrupting shellfish beds and displacing benthic organisms.
- Loss of seagrass meadows may reduce nursery grounds for fish, impacting population and reproductive processes.

Contaminant Accumulation and Water Quality Decline

- Dredging can release stored contaminants (e.g., heavy metals, hydrocarbons) into the water column.
- Suspended sediment can clog the gills of filter feeders, reducing survival rates.

Vessel Traffic and Noise Pollution

- Increased shipping will generate underwater noise, affecting marine mammal communication and fish behaviour.
- Disturbance of marine species, particularly stingrays and fish passing through channel waters.

The Napier Port Expansion (2020–2022) observed challenges, where increased sedimentation affected coastal fisheries. Mitigation included:

- Re-seeding shellfish beds in affected areas.

- Creating artificial reefs to replace lost habitats.
- Monitoring species populations pre- and post-dredging.

These conditions and those recommended by TMICFT must be implemented for the present applications in order to prevent long-term ecological damage of our kaimoana and papa moana taonga.

Marine Ecology and Biodiversity - Our Hapū Position

The marine ecology assessment (De Luca, 2025) claims that the Stella Passage development will result in temporary and minor ecological effects. It highlights that the potential effects on ecological values are low to very low.

The ecological assessment summarises the range of potential effects as:

- Effects on coastal processes.
- Increased concentration of total suspended sediment (including assessment of resuspended sediment) during dredging, reclamation and installation of permanent structures.
- Permanent loss of benthic coastal marine area (CMA) due to reclamation and permanent occupation.
- The mortality and disturbance of benthic invertebrates within the areas of reclamation, permanent occupation, and dredging.
- The shading of the pelagic CMA by wharf structures.
- Underwater noise and vibration during piling activities and dredging operations.
- Cumulative effects.

Overall, the effects on marine ecological values from the proposed development were assessed as **low or very low levels of effect**.

Ngāi Tukairangi believes that the effects on **cultural marine ecological values** from the proposed development will be detrimental to already suffering taonga species such as pipi, pāua, kutai, kōura, kukuroroa, titiko and tuangi. Waipū estuary in particular is already suffering from increased sedimentation as a result of previous developments including the Port of Tauranga, Tauranga Harbour Bridge, Whareroa Industrial Zone, Tauranga Airport. These are all modified areas of high cultural significance and Ngāi Tukairangi expresses that too much has already been taken from the moana for economic purposes.

The assessment refers to taonga species with known decline trends. TMICFT reports that taonga species within the Mātaitai Reserve are now at **unsustainable levels**. Furthermore, major marine development projects have the potential to cause already low population levels of slow-growing species to become **functionally extinct** – meaning: there are no individuals able to reproduce, or the small population of breeding individuals will not be able to sustain itself. Hauraki Gulf is an example of where this has

happened recently, reported in 2022 with the Hauraki Gulf kōura population functionally extinct.

The ecological assessment and mitigation measures do not address **sustainability of taonga species**, and it does not address the cultural issues that have been raised throughout the POTL Stella Passage development engagement process.

Ngāi Tukairangi are not convinced by these findings. While the mitigation measures sound positive in principle, the assessments overlook species that are culturally significant but not necessarily classified as "ecologically threatened."

Case studies from the Auckland and Napier port expansions revealed habitat loss that persisted well beyond construction, affecting customary fisheries. The report also fails to assess marine food web disruption, cumulative ecological loss, or long-term kaimoana resilience. For these reasons, we believe the ecological risks are understated, and a further **culturally-informed ecological assessment** coupled with appropriately resourced remediation frameworks is necessary.

Potential Mitigation Strategies

To protect marine biodiversity, the following measures must be implemented:

- Pre-dredging relocation of shellfish and vulnerable species.
- Hapū-led environmental monitoring and remediation frameworks ensuring cultural values inform ecological assessments and remediation measures.
- Long-term marine habitat restoration (e.g., seagrass replanting, artificial reef projects and other initiatives identified by TMICFT).

Recommendation

Marine biodiversity will be impacted without proactive management. Mitigation must prioritise culturally significant species and habitats and mana whenua collaboration in monitoring and restoration is critical. In addition to this, the ongoing health of the entire Tauranga harbour and reef ecosystems must be given priority and appropriately monitored, with adequate resourcing provided to negate all adverse impacts of the changes to the marine environment proposed by the activity.

3. Effects on Taonga Manu (Birds)

Potential effects on birds resulting from the SPD assessed by (Bennet, 2025) has been summarised as follows.

- Disturbance of roosting birds on the Sulphur Point sand pile which is used by internationally significant numbers of kuaka for feeding and roosting. It is also used by many other taonga manu that include many **at risk, declining bird species**.

- Removal of 315m of rock wall inhabited by kororā (little blue penguin) nesting sites, tarāpunga (red-billed gulls) which are **native birds – at risk, declining**. [And we believe also tarāpuka (black-billed gulls) which are **endemic birds - at risk declining**].

Potential Mitigation Strategies

To ensure the survival of at risk and declining taonga manu of Tauranga Moana, these measures must be implemented.

- POTL resources funding towards Mātauranga Māori led research and monitoring of taonga manu species, conducted by mana whenua - including but not limited to: population studies of taonga manu species, breeding season capability, and nesting success.
- Measures to provide for alternative nesting grounds such as wetland enhancement projects, nest boxes - that support bird relocation.
- Support the proposed pest animal and plant control programmes and monitor results of pest control.
- Support the proposed purpose-built rock wall south of the proposed Mount Maunganui wharf extension.
- Support the Light Management Plan.
- Support the deployment of non-lethal deterrents outside of manu breeding season and indigenous planting after creating and trialling the penguin boxes
- Support trialling the new nesting box colony at Butters Landing and exclusion of kororā from nesting sites that will be harmed by developed. Conditional that mana whenua are included in decision-making alongside expert bird handlers in this process.
- Hapū and Mātauranga Māori led Kororā monitoring and research is carried out alongside hapū approved and chosen Kororā experts.

Recommendation

To ensure the protection of taonga manu species that have already been displaced by an economically driven city striving for progress - **much stronger mitigative measures, including those listed above, must be implemented to support their survival.**

The assessment by (Bennet, 2025), concludes that the effects of the SPD are all temporary and assessed as follows;

- Birds using the sand pile – effects will be less than minor,
- Tarāpunga (red-billed gull) [Needs to include Tarāpuka (black-billed gull)] – effects will be less than minor,
- Kororā (little blue penguin – effects will be less than minor.

Ngāi Tukairangi fervently disagrees with the results of this assessment. The SPD is creating major disturbance to highly vulnerable taonga manu species. The assessments mitigative measures exclude protection for many other at-risk taonga manu species.

Tauranga is one of the only nesting or feeding areas in Aotearoa New Zealand for some of these taonga, which was not referred to in the assessment. For example, internationally significant migratory birds such as the kuaka (bar-tailed godwit), must also be monitored and protected from the SPD. Continued monitoring and care to ensure that nesting site relocation measures were successful, and alternative options should the proposed methods fail were absent from the mitigation measures.

These are highly significant bird species that are suffering the challenges of displacement throughout our harbour of which many of these species are at risk and declining.

4. Visual and Landscape Impacts

The SPD expansion will introduce new wharf structures, cranes, and port lighting, significantly altering the visual landscape of Te Awanui-Tauranga Harbour. The coastal environment holds deep cultural and historical significance for Ngāi Tukairangi hapū, and any changes to its natural and spiritual character must be carefully assessed.

Ngāi Tukairangi's traditional connection to the harbour includes:

- Cultural viewshafts to Mauao, which serve as an essential part of whakapapa and identity.
- Whareroa Marae's and our wider whanau connection to Te Awanui, which is already compromised by industrial expansion.
- Spiritual values of the harbour, which are diminished when natural landscapes are replaced by industrial development.

Visual and Landscape Impacts

The SPD expansion project for the Port, is a project that has visual and landscape impacts. It is largely inevitable that this is the case. A review of some of the key matters is provided.

Large-Scale Infrastructure Dominating the Coastal Environment

- The addition of extended wharf space and large container cranes (up to 110m high) will dominate the skyline, significantly changing how the harbour is viewed from key locations.
- Lighting pollution from 24/7 port operations will disrupt the natural night-time environment and obscure stars traditionally used for navigation and seasonal indicators (Matariki, Puanga).

- Increased industrial presence near culturally significant areas, including Waikorire (Pilot Bay), Otūmoetai, and Motuhoa Island, will impact the visual integrity of historic landscapes.

Visual Encroachment on Whareroa Marae and Public Spaces

- The Whareroa Marae community has already expressed concerns about feeling ‘boxed in’ by industrial development.
- The case study: Napier Port Wharf Expansion (2020–2022) found:
 - Similar concerns were raised by mana whenua over cultural viewshaft obstructions.
 - Mitigation included planting coastal buffer zones and designing low-impact lighting.

Visual Impact on Marine and Coastal Ecology

- The POTL expansion may reduce natural coastal features in favour of engineered structures.
- Shoreline reclamation will alter the natural flow of the harbour, changing the appearance of tidal flats and estuarine areas.

Visual and Landscape Impacts – Our Hapū Position

The landscape assessment undertaken by Brown NZ Ltd (2025) argues that the POTL expansion’s effects on the visual landscape and natural character are minor due to the existing industrial environment of the Port zone. It notes that not only Whareroa Marae will experience moderate visual effects, but these are largely due to the visibility of POTL cranes and ships, which are already permitted activities.

We do not agree with this assessment. The report does not adequately consider cultural landscapes or the significance of viewshafts from key hapū locations. The focus on visual scale and contrast ignores the cultural dimension of landscape degradation—the disconnection from ancestral markers and historic coastlines. Moreover, the assessment does not include any consultation-based analysis of how these landscape changes affect hapū identity and well-being. Given that Māori worldviews regard landscape as imbued with whakapapa and wairua, we believe the report underrepresents these values and that additional work is needed to assess landscape impacts through a Mātauranga Māori lens.

Mitigation Strategies

To minimize cultural and environmental landscape impacts, the following should be implemented:

- Cultural viewshaft preservation, ensuring key vantage points to Mauao remain unobstructed.

- Adaptive lighting solutions, including low-glare fixtures and shielded LED systems to reduce light pollution.
- Coastal buffer zones, incorporating native planting to soften industrial intrusion into the natural landscape.
- Collaborative design input from Ngāi Tukairangi, ensuring new infrastructure respects the cultural integrity of the environment.
- Tangata whenua engagement to undertake native planting including species selection and resourcing to allow exercise of kaitiakitanga.
- Support and resourcing for local Matariki ceremonies in agreed culturally appropriate locations to minimise additional light pollution impacts on these practices.

Recommendation

The expansion will permanently alter the visual and cultural landscape of Te Awanui. Key cultural viewshafts and sacred spaces require protection. Mitigation must prioritize minimizing the industrial presence through lighting, design, and ecological restoration.

5. Effects on Whareroa Marae, Ngāi Tukairangi Hapū and Local Whanau

Whareroa Marae, papakāinga and whānau are the most affected community due to its proximity to heavy industry, including the POTL, timber yards, and chemical storage facilities. The marae is central to Ngāi Tukairangi hapū’s cultural, social, and spiritual identity, providing a space for whānau gatherings, education, and traditional practices, alongside Ngāti Kuku.

The SPD raises concerns over further industrial encroachment, increased environmental degradation, and potential adverse health effects on whānau residing in the area. These concerns **are not new**—Whareroa Marae and the surrounding area (including the coastal terrain) has historically faced compounding environmental pressures, and the expansion represents a significant escalation of those challenges. There are no appropriate words that adequately do justice to how these impacts can be described.

There are a number of issues to consider in regards to impacts, that relate not only to Whareroa Marae, but also to the surrounding areas of Matapihi and the Mauao peninsular where a large number of people are working, living, frequenting the area and our community.

Industrial Encroachment and Loss of Cultural Integrity

- The visual and physical expansion of the POTL may further isolate the marae from its natural environment, compromising its connection to Te Awanui.
- Increased infrastructure (wharves, cranes, and lighting) will dominate historical viewshafts, diminishing the mana and wairua of the marae environment.

- In the Case Study: Port of Auckland Expansion (2021–2023), it saw significant pushback from mana whenua due to similar concerns over cultural site degradation.

Air and Water Quality Degradation

- Increased industrial emissions from construction, dredging, and shipping may exacerbate respiratory health issues, particularly among rangatahi and kaumātua.
- Sediment runoff and potential contaminant release from dredging could affect traditional kaimoana gathering sites, reducing their safety for consumption.
- Monitoring of PM10 (fine particulate matter) around Whareroa Marae already indicates high industrial air pollution levels, which may worsen with POTL expansion.

Noise and Light Pollution Impacting Daily Life

- Constant industrial noise from POTL operations disrupts tangi, hui, and wānanga held at the marae and over to Matapihi as well.
- Increased night-time lighting may affect native birdlife, disrupt traditional fishing activities, and impact the overall cultural atmosphere of the area.

Disconnection from the Wider Harbour

- Traditional access to Te Awanui has already been restricted by industrial expansion.
- Further loss of safe access points for fishing, waka navigation, and cultural activities will continue to alienate Ngāi Tukairangi hapū from their ancestral waters.

Whareroa Marae, Ngāi Tukairangi Hapū and Local Whanau - Our Hapū Position

The landscape and amenity effects assessment (Brown NZ Ltd, 2025) concludes that visual and industrial impacts on Whareroa Marae and its whanau community will be low to moderate and largely driven by permitted vessel activity and existing industrial context. It states that no additional screening or mitigation is needed beyond existing vegetation buffers and notes the presence of pohutukawa as a partial visual shield.

We do not accept this position and believe it is incredibly minimising and disrespectful. The marae is already heavily encroached by industrial infrastructure, and the addition of new cranes and lighting exacerbates a sense of cultural isolation. The report narrowly interprets “visual impact” without considering the cumulative cultural and spiritual effects of losing ancestral visual connection to Mauao, traditional food gathering sites, local entry points for the moana and the wider Te Awanui on the whole. The significance of these viewshafts is not merely aesthetic—it is genealogical. Additionally, the assessment fails to address the lived experience of marae whānau dealing with

persistent noise, fumes, and vibration from adjacent operations. The myriad of ongoing issues in this area of analysis remains unresolved and requires a reassessment of amenity impacts based on cultural values and lived experience. There is no digestible information that even contemplates the wider need of whanau to breathe beyond the encroachment of Whareroa, and what is left in green space for our community.

Mitigation Strategies

Given the significant risks posed by the expansion, the following measures must be considered:

- Stronger air and water quality monitoring around the marae, with real-time data accessible to hapū representatives tied to remediation frameworks with appropriate funding and training for tangata whenua-led monitoring.
- Noise and lighting management plans to reduce disruption during major marae events - even to the point of restricting works on the Port, as they directly impact the operations of the marae. A comprehensive management plan is required.
- Improved access to traditional fishing areas, including hapū-led monitoring and restoration of kaimoana habitats and seabeds.
- Mitigation and remediation funding to support local hapū-led conservation efforts, including restorative projects and ongoing cultural mitigation projects.
- Stronger co-governance agreements ensuring Ngāi Tukairangi hapū (alongside Whareroa marae and Ngāti Kuku) has decision-making power in ongoing environmental management in relation to all aspects of works by the POTL, particularly in reference to the whenua, and moana near-by.

Recommendation

Ngāi Tukairangi hapū, Whareroa Marae, whanau, and kaimahi in the local vicinity and its papakāinga face the most detrimental impacts of this application. Not only is there a loss of connection to Te Awanui for our whanau and hapū that must be addressed through mitigation efforts, there is the ongoing impact of air, noise, water quality and industrial smothering that requires long-term monitoring. It is crucial that hapū and whanau leadership in this area of environmental governance and monitoring is respected and utilised.

6. Summary of Technical Mitigation and Recommendations

Across the various technical assessments, mitigation has been framed as adequate to manage effects within acceptable levels. However, this confidence is not shared by Ngāi Tukairangi hapū. Many of the proposed measures are generic, untested in the context of Tauranga Moana, and lack a clear framework for monitoring, enforcement, and accountability. They also generally lack any consideration of a Te Ao Māori lens in terms of their assessment and as a result are deficient and euro-centric in their assessment of

the effects of the proposed application. These are significant gaps in the assessment of environmental effects required under the FTA that cannot simply be ignored.

We do not accept that the mitigation proposed adequately addresses the scale of risk. For example, turbidity thresholds do not reflect the ecological limits of culturally significant species; noise assessments are based on average levels, not marae-specific disruptions; and the POTL's proposed community engagement lacks co-governance. Additionally, cumulative effects across multiple domains—ecological, visual, social—have not been modelled or tested. Until these elements are clarified, we maintain that the project presents unresolved risks that cannot be considered appropriately mitigated without further independent review, direct hapū and marae oversight and appropriately resourced mitigation and remediation frameworks implemented through consent conditions.

This section provides a summary of the technical mitigation efforts that **must be** employed and the subsequent recommendations.

Hydrodynamic and Sedimentation Controls

It is recommended that:

- Adjustments to dredging techniques are made to minimize sediment plume impacts.
- Real-time turbidity monitoring to trigger adaptive mitigation responses.

Alternative Dredging and Disposal Methods

It is recommended that:

- Assessment of less invasive dredging equipment to reduce ecological disruption.
- Offshore disposal site evaluations for dredged sediments, if not repatriated.

Environmental Monitoring and Kaitiaki Oversight

It is recommended that:

- Ngāi Tukairangi hapū representatives are included in the environmental monitoring and remediation programs provided for and funded by the POTL.
- Co-governance opportunities for adaptive management of ecological risks are established by way of an oversight group, that includes Ngāi Tukairangi hapū representation.

Regulatory Compliance and Consent Recommendations

It is recommended that:

- Conditions ensuring alignment with the NZCPS 2010, the BOP RPS, and the BOP Regional Plan are inclusive of Ngāi Tukairangi hapū narratives and concerns.

- Strengthening cultural and environmental offsets to address adverse effects and ensuring all iwi, hapū and management plans, including those specifically referencing Ngāi Tukairangi hapū are referred to and acknowledged.
- An import / export levy is imposed as a condition of consent to provide **appropriate mitigation and remediation funding** for all cultural and environmental monitoring and mitigation measures required, linked to the increased volumes of cargo coming through the Port and the increased environmental effects accruing.

Further Assessments

There appears to be some areas of assessment not undertaken. They include the impact of the Port on increased drug trafficking; freight impacting on roadways; and increased traffic and train usage due to increased demand on roadways, with larger trains, and trucks and additional transportation.

It is recommended that:

- Remedial works are undertaken to ensure these unassessed matters are considered within the conditions of the application. This would include the completion of:
 - A transportation assessment in relation to increased traffic directly attributable to the demand for access to the Port on roadways, and by train. An assessment of costs attributable to the Port should be included.
- An in-depth analysis of increased drug trafficking that would occur as a result of the larger Port size; and what mitigation efforts, and by whom should be completed. An assessment of costs attributable to the Port should be included.
- An in-depth study is undertaken relating directly to the impacts of ongoing ship spillage attributable to ship damage; skipper error, oil spillage e.g Rena; and future terrorism efforts. An assessment of costs attributable to the Port should be included.

Land Reclamation

In regard to the new land title that will be created as a result of any land reclamation.

It is recommended that:

- Conditions requiring that the land title to any reclamations of the moana be vested in Ngāi Tukairangi and other hapū / iwi holding mana whenua status with respect to the particular reclamation areas;
- A lease over the reclamations be granted to POTL for the life of the consents with rights of renewal tied to the renewal of future consents and fair market rental of such areas to be negotiated with POTL.

Conclusion

The POTL SPD presents significant technical challenges and risks to the hydrodynamic regime, marine ecology, air quality, and cultural landscapes. It is imperative that any mitigation strategies adopted are rigorously implemented and hapū-led monitoring is integrated to safeguard Ngāi Tukairangi hapū's cultural and environmental values. Further technical modelling and collaborative impact management is needed and should be part of the consent application process.

We strongly recommend that **a staged adaptive management approach with real-time monitoring, regulatory oversight, and direct hapū involvement is adopted to ensure that the POTL expansion is environmentally sustainable and culturally responsible.**

6. VOICES OF NGĀI TUKAIRANGI HAPŪ – CULTURAL IMPACTS

“Riro whenua atu, hoki whenua mai”

“The backbone of the Tauranga economy rests with the Port of Tauranga. The lands and harbours associated with the Port were taken predominantly from Ngāi Tukairangi a hapū of Ngāi Te Rangi iwi through legislated robbery. Today, the Port is a thriving beacon of Tauranga economic success. The next biggest income earner in Tauranga is real estate and tourism, activities associated with the coastline. Ngā Pōtiki, another hapū of Ngāi Te Rangi is currently the most negatively impacted upon as much of the remaining coastline still remains in their hands. In both of these cases, the drive for economic progress forced the hand of the government's quest for land, through confiscation and legislated alienation” (in UN Submission for Human Rights **Brian Dickson**, 2006, p.5)

As part of this assessment, we have traversed technical issues. We now consider how consistent those concerns are with our cultural values. With inadequate time to capture real time voices, we depart from convention to bring our tīpuna voices into our narrative.

Our hapū and whanau reflections have been sought through insights gained from Waitangi Tribunal evidence presented by our Ngāi Tukairangi hapū koroua and kuia drawn from evidence in hearings from 2000, 2006, and earlier. This information is used to see how the **mauri of our moana** is, in terms of its own lifeforce, but also in the context of it being a **taonga** for our people, in our rohe, as part of our identity as a people. The moana brings us sustenance in so many ways that it is difficult to calculate or express how this is reflected, and certainly not in a report fashioned over a long weekend.

I also posit that the cumulative impact of works in the moana and on our whenua (although acquired through the Public Works Act), has meant and translates to ongoing degradation and loss of not only kaimoana, but also habitat, our fishing grounds, traditional fishing practices and also the build-up of structures within the industrial area that is creating pollution, visually, structurally and molecularly.

The quote above from Brian Dickson, the then Chief Executive Officer of Ngāi Te Rangi, leads out in describing impacts of industrial development on our Ngāi Tukairangi hapū people. The remaining narratives following, illuminate some of the commentary of our whānau, and leaders of their time – many who have since passed, some are still alive today. The list is not exhaustive due to time constraints. But the picture should be clear, it is not about a moment in time, it is about the overall continuous onslaught that impacts the most on our people, in our Ngāi Tukairangi rohe. The impact upon us are undeniable.

“Watu ngarongaro te tangata, toitū te whenua
 Whatu ngarongaro te tangata, toitū te moana
 People will perish, but the land is permanent
 People will perish, but the moana is permanent”

Treaty claims combined

By Ruth Douglas

A NEW collective approach toward advancing Treaty of Waitangi claims in Tauranga will be put into effect next week with the start of the first week of hearings for the Ngāiterangi iwi on Monday.

The Waitangi Tribunal, led by presiding officer Judge Richard Kearney, will sit at the Wharerua Marae of the Ngati Kuku and Ngati Tukairangi hapū, on the shores of the inner harbour.

The week is one of two set aside before the end of this year for the tribunal to hear the historical evidence collectively shared by the 10 hapū within the Ngāiterangi iwi.

The overview will set the foundation for the traditional evidence so that individual claims are heard. Each hapū can present evidence directly relating to their case without duplicating the generally shared historical breaches of the Treaty, such as the battles of Gate Pa and Te Ranga, the land confiscation by the Crown and the tribal displacement and devastation resulting from the Musket Wars.

Legal historian Richard Boust has been commissioned to present the historical and political perspectives on Ngāiterangi's claim.

Claim co-ordinator Eric Rolleston said the overview hearings aimed to establish the relationship of Ngāiterangi to other Tauranga tribes before colonisation.

Evidence presented to the Tribunal in the past two years by previous claimants had raised controversial aspects of Ngāiterangi's history, such as the perception that some Ngāiterangi chiefs had betrayed Tauranga Maori by being "friendly" allies to the Crown during and after the land wars of the 1860s.

Ms Rolleston said it was important for Ngāiterangi to remain focused on the Crown's Treaty breaches and their impact on the social and economic development of Ngāiterangi in the past 140 years.

"Our evidence will acknowledge the differences in versions of events but we don't intend to put others down or to argue who betrayed who. Our grievance is with the Crown and we want to clearly reiterate the breaches that have taken place."

"The claim is a collective representation of the hapū that historically and politically align with Ngāiterangi," said Ms Rolleston.

Tauranga's hearings began in 1998 and, although progress had been very slow, most of the Ngati Rangimui hapū claims have been heard with the exception of Ngati Ruaheine.

There are 57 registered claims lodged by individuals, whanau groups, hapū and iwi within Tauranga Moana inquiry district. The collective approach aimed to speed up the process by combining the common historical issues such as rāpatahi (confiscation) but retain the opportunity for each hapū to continue to present Treaty breaches unique to their people.

Mauao status central issue

THE status of Mauao to the iwi of Ngāiterangi and future compensation for the loss of the mountain to a Crown authority will be central to evidence given to the Waitangi Tribunal at Ngāiterangi's Treaty claim hearing.

Ngāiterangi will be seeking more iwi in kaitiakitanga (guardianship) over Mauao and involvement in its day-to-day management. Spiritually, culturally and historically, Ngāiterangi claim that Mauao symbolises the tribe's rangatiratanga (sovereignty) in Tauranga Moana dating back to 1655 when Ngāterangi conquered Ngati Rangimui in the battle of Kokowai.

When the British arrived in the 1840s, Maori in Tauranga put aside earlier confrontations and conquests and united to defend their lands against being lost to Crown ownership.

Today the three iwi of Tauranga Moana — Ngāiterangi, Ngati Rangimui and Ngati Pukenga — acknowledge a shared spiritual and historical interest in Mauao. Ngāiterangi does not demand sole claim over the mountain but for Ngāiterangi Mauao will forever be the main symbols of their identity and uniqueness as an iwi of Tauranga.

Evidence presented to the tribunal will focus on the settlement of Ngāiterangi in Tauranga and the subsequent confiscation of the iwi whenua by the Crown.

Using the Public Works Act, the Crown reduced Ngāiterangi's original tribal harbourside lands to a three hectare pocket around Wharerua Marae, sandwiched between Tauranga Airport and the fertiliser works. The tribe's lands originally extended along the length of the inner harbour.

Figure 12 - Treaty claims combined, 23 September 2000, BOP Times, p.5

The recent battles being fought against ongoing air pollution impacting whanau at Wharerua Marae is not a new matter, our whanau were having those debates for decades. Evidence provided by our koroua and kuia, as part of the Waitangi Tribunal hearings in 2006, at Wharerua, clearly shows the impacts of the industrial works on our people, on their spirit and also on their whenua, and health. We acknowledge the drive by our whānau at Wharerua Marae to stem the infestation of air pollution, visual pollution and cultural degradation and support the amplification of their concerns raised with respect to this resource consent application.

Whenua Tipu - Pātaka Kai

As outlined in the earlier section of this report, Ngāi Tukairangi hapū has occupied Tauranga Moana for generations, with a deep-rooted connection to Te Awanui (Tauranga Harbour). The harbour is not just an economic or transportation hub—it is a **taonga**

(treasure) that provides kaimoana (seafood), sustains cultural traditions, and serves as a physical and spiritual link to their ancestors.

Our hapū has a long-standing role as kaitiaki (guardians) of Te Awanui, ensuring that environmental balance is maintained for future generations. Any industrial development, particularly one of this scale, has the potential to disrupt the ecological systems that support traditional food sources, alter the visual and cultural landscape, and impact the health and well-being of the hapū. **Anthony Fisher** in (Fisher et al., 1997) researched the state of our moana in a report to the Waitangi Tribunal. He outlines:

“My hapū is of the very strong view that the railway bridges, harbour bridges, road bridges, causeways, port development and channel widening have altered the tidal flow characteristics of the harbour and have been the reason for the disappearance of titiko from Te Tahuna o Waipu, the disappearance of tuangi and ureroa beds, the proliferation of mangrove growth in estuaries within the harbour and the appearance of mangroves in Te Tahuna o Waipu.

Our past objections to port and harbour developments on the grounds that they contribute to this have been countered by volumes of data from scientific and academic experts that is always accepted. But the titiko, tuangi, ureroa, the channels and drains used by whanau of Ngāi Tukairangi in which to store their kaimoana after it has been harvested from mataitai areas **have gone**” (Fisher, 2006).

There are numerous examples provided by our koroua and kuia, that signal an inherent relationship with the moana where the Port is situated, and its role as a pātaka kai, *right outside their front door*. **Ngaroimata Cavill** (2000) says:

“In those days tuangi (cockles) were plentiful. We used to go and gather this by the sack load. My father used to dig a hole on the beach in the mudflats just below our home and he would pour the sacks of tuangi in. Our father would send us down to dig the tuangi out of the mudflats whenever we needed them. This is the only way we would keep them alive and therefore have fresh tuangi whenever we needed it” (para 7).

Waraki Paki (2000), a fisherman himself and koroua for our hapū says:

“When I was young I would accompany my uncles to Mauao and dive for kaimoana, paua, mussels and pipi. In those days kaimoana used to be plentiful and the uncles would share their catch with all the families in the area. Tongakaiwhare Gear and Kihi Ngatai are two who taught us to dive” (para 11).

Ngareta Timutimu (2000) reflects on her journey in recovering our reo:

“My parents supplemented the family food basket with the patiki and the titiko which abounded almost on our front doorstep. Family members often dropped

off fresh fish, and mussels after trips to the Mount Maunganui areas. We often went to gather pipi and tuangi ourselves. From the bay where my father regularly floundered we could see Mauao, the two Ngāi Tukairangi marae located on either side of the harbour and the distant growing town of Tauranga" (para.12).

Mahaki Ellis (2000), Ngāi Tukairangi Hapū chairman at the time also said:

"As a young man I recall frequently riding a horse from Matapihi to Omanu Beach. I would tie my horse to the lupins and get a sugarbag full of tuatua. I would then ride back to Matapihi. When I returned I would share the tuatua out to my extended whanau. The tuatua were a great source of food" (para.26).

Hori Ross (2000) recalls the times when there was unencumbered access along the coastline between Whareroa and Mount Maunganui. He talks about his kuia:

"My kuia and her whanau would travel from Whareroa to Waikorire (also known as Pilot Bay) approximately five miles at least once or twice a month to gather seafood. In those days they used to travel along a beach of clear white sand which was uncluttered by man-made objectives as can be seen today. At that time the men would go out fishing and the women would remain at the hot pools where the Domain Hot Pools are now sited at Mount Maunganui. The women would prepare the hangi for the menfolk when they returned from fishing. They would gather pipi and tuangi and take them back to Whareroa. In order to preserve the shellfish, our old people would shell them and dry them out. They would also dry the fresh fish they had caught. The shellfish is known as ika pawhara to us. This fish was very sweet to eat" (2006, para 5).

Wiparera Te Kani (2000), our koroua also recounts when he was able to:

"The harbour and foreshore surrounding Otamataha was a source of fish and kaimoana. The foreshore was a place for landing and launching waka". (p.10).

Puina Fisher (2000), our kuia recalls:

"At Waipu Bay there was an abundance of tuangi (cockles), titiko (periwinkles), ureroa (horse mussels) and pupu. Fish was also very abundant in this area, particularly patiki (flounder), snapper and parore. There were different varieties of fish at that time" (para 4).

Mahaki Ellis (2000) talks about ahi ka and how he and his tipuna maintained it and where. He said:

"Although Ngāi Tukairangi hold only a remnant of our former lands, within my lifetime as a hapū we have strove to maintain ahi ka in the Mount Maunganui, Whareroa and Matapihi areas. We have attempted to continue to follow traditions and practices handed down to us and to follow a seasonal cycle of resource

gathering which our tupuna followed. This maintenance of ahi ka gets more difficult with each generation. The difficulties started with the landing of the Crown troops in Tauranga and subsequent confiscation and alienation of our land” (para 20).

Our hapū and whanau have traditions also expressed through **manaakitanga**, that emphasise a close relationship with the moana, and it is common to see whanau go out to the Moana to fish. The role of preserving these traditions formally, through organisations such as the Tauranga Moana Customary Fisheries Trust and also all aspects of fisheries was led by Brian Dickson, one of our koroua while he was still alive. A lot of his role as a kaitiaki has been transferred to Kia Maia Ellis to perform, and she is also Ngāi Tukairangi. The point of this discussion is to demonstrate that it is common for Ngāi Tukairangi people to take on these types of roles as it is and has always been traditional customs that our people exercised.

Cultural Values

The abundance of kaimoana and access to our whenua and our moana in the past, serves as a cultural value, that connects us to Te Awanui-Tauranga Harbour. This relationship is precious and significant to Ngāi Tukairangi not only is the area in our primary traditional area well recognised by other hapū as being in our domain. Our relationship to the moana is expressed through a number of cultural values:

1. **Whakapapa** – Identity - Te Awanui, Tauranga is linked to the identity of local hapū and iwi, which is expressed through our interwoven connection to the whenua and the moana.
2. **Te Ukaipo** - Sustenance: The harbour holds immense cultural significance, being a taonga (treasure) and a key source of sustenance for whānau, hapū, and iwi of Tauranga Moana.
3. **Mahi-a-tikanga** – cultural practices: The harbour is important for customary practices, including the harvesting of shellfish and other marine resources.
4. **Wahi mataitai-o-nehera** – historical connections: Te Awanui has been a customary harvesting ground for many generations, and it continues to be an important area for traditional food gathering at tauranga ika, or pataka kai.
5. **Kaitiakitanga** - Stewardship: Local iwi and hapū have a role as kaitiaki (guardians) of the harbour, responsible for its health and wellbeing.
6. **Wairuatanga** – Spiritual connection: The harbour is intertwined with the spiritual beliefs and traditions of the local Māori community.
7. **Manaakitanga** - Caring for others: The harbour and sourcing kai for others was seen as an important cultural practice for our whanau. We would collect kai and then share with others.

These values underscore the importance of Te Awanui-Tauranga Harbour to the cultural heritage and identity of our hapū, our **rangatiratanga** and these values in Te Reo, help our people to be centred in space, spiritually, culturally, historically and emotionally. The activities that continue to sever our relationship with the moana, by way of increased industrial programming for economic progression is tantamount to the inability of a weeping scab to be healed, over decades and decades. These are sometimes described as **Mātauranga Māori**, but in the context of experience and non-academic posturing, it is the kuaha or lens through which we see our world, our Māori world.

Recollection of Impacts

Viewing the impacts of the SPD application through our hapū lens and cultural values is problematic, as the impacts culturally assessed are akin to a parasitic outbreak that can never be fixed – identity is morphed, reshaped and reformed within the context of what now exists. Our hapū kuia and koroua observed some of the detrimental impacts of industrial development on our people created as a result of activities in the past such as this proposal. **Hori Ross** (2000) states:

“One of our staple foods in those days was the titiko, a shellfish which has since disappeared, approximately 4-5 years ago. I believe the major reason for this is due to the discharge from the fertiliser works into the sea” (para 8).

Te Hui Ngatai (2000) remembered the days when he had access to Te Awa o Tukorako, he said:

“When I was a child our family would camp at Te Awa o Tukorako during the Christmas holiday for 5-6 weeks. We no longer have access to Te Awa o Tukorako because of the development and expansion of the wharves in that area. Te Awa o Tukorako is halfway between Mount Maunganui and Whareroa (para.10)

Hori Ross (2000) outlines again:

“So much has changed since the days of my tupuna and in fact since I was a child. Our traditional fishing and food gathering resources are constantly under threat. We are no longer able to gather the quantities or quality of shellfish we once could when I was a boy. This has got to stop, otherwise we will have nothing to leave our mokopuna and future generations” (para 13).

Many of our koroua and kuia commented about the scarcity of kaimoana, in that “there is little kaimoana today”, or “we can no longer do this today because of development”, or “we are whakama because our land was taken” or “we don’t have access to that area anymore”, or even worse, as koro **Kihi Ngatai** says:

“I know what the Whareroa lands looked like when I was a young man. Today everything has changed. Whareroa Marae is hemmed in by the Airport, the Tank

Farm, roads and other light industry. The smell, the noise, the pollution from the heavy industry is all offensive to us at Whareroa. The Tank Farm is a cruel visual reminder to us that there are lands which we owned not so long ago" (2006, para 33).

The **voices of our whanau** form an interwoven narrative from the past, expressing who Ngāi Tukairangi are, where we have come from, and who we are today is full of sadness and anger in the context of this assessment. **Our tīpuna voices** also reiterate how significant the moana is to our everyday way of life, and that our hapū and whanau quite literally had a maara kai right outside our doorstep that is no longer the case anymore today. This narrative from the past reinforces that we as the kaitiaki of today must do everything in our power not to allow any further degradation of these precious taonga resources, and require that POTL actively, appropriately and adequately remedy the actual, potential and cumulative effects of its activities. Ngāi Tukairangi has lost so much. Whilst the POTL may only see this consent through the lens of economic advancement, but for our whanau and hapū, we see these activities as ongoing forms of raupatu-confiscation that cumulatively **degrade our Moana, and its mauri**.



Figure 13 - Old aerial photo of the area

7. KEY ISSUES

We have interrogated the reports provided; we have met with our whanau and hapū; we have engaged in the process and we now summarise the key issues for digestion. There are four major themes.

Firstly, the POTL land was taken from us, illegally through a fabricated legal nonsense called the Public Works Act, that is tantamount to legislated theft. The POTL is on our whenua. **You stole it from us**. All of the encroachment on our Ngāi Tukairangi hapū whenua is industrial infestation on our traditional whenua. The review of the closing submissions to the Ngāi Tukairangi hapū case presented the most compelling evidence from our koroua and kuia provides intricate detail of the severe and irreversible trauma that occurred in their lives, and with which stems still through to this day. In report-speak however, the key issues include:

- **Compulsory Land Acquisitions:** Significant portions of Ngāi Tukairangi land were compulsorily acquired for the development of the port and associated infrastructure, such as the Tauranga Airport and industrial areas. This led to the loss of ancestral lands and economic opportunities. Reclaimed land on the seabed is testament to further land acquisition.
- **Environmental Impact:** The development of the port and associated activities, such as reclamations, dredging, and channel widening, have caused environmental damage to Tauranga Moana. This includes the destruction of kaimoana beds and reefs, such as the Pane Pane Reef, which was a vital source of mussels and kina.
- **Access and Pollution:** The port and associated heavy industry have created physical barriers that impede Ngāi Tukairangi's access to Tauranga Moana. Additionally, pollution from port activities, including stormwater discharge and leaching from logs, has negatively impacted water quality and marine life. Air pollution, noise pollution, chemical pollution and traffic pollution is rife.
- **Waahi Tapu:** The compulsory acquisitions and subsequent developments have led to the destruction of waahi tapu (sacred sites), such as Te Awa-o-Tukorako, which was an important eel fishing area.
- **Economic Disparities:** The Crown profited significantly from the sale of lands acquired for "better utilisation," while Ngāi Tukairangi received inadequate compensation. This has contributed to ongoing economic disparities and hindered our ability to develop our remaining lands.
- **Planning and Consultation:** Historically, Ngāi Tukairangi were excluded from planning processes related to the Port's development. Our aspirations and concerns were not considered, leading to decisions that adversely affected their rights and interests.

These issues highlight the significant impact of the POTL's development on Ngāi Tukairangi's land, environment, and cultural heritage. There is no indication whatsoever that suggests these matters have ever been addressed in any way. This is an 'unresolved acute post-colonial trauma' that our hapū continues to experience daily with respect to these developments.

Secondly, the impacts remain cumulative, and with the evidence presented by trustees of the Whareroa Marae, and also Ngāti Kuku last year, remain, and have existed for decades. Ngaroimata Cavill, Hori Ross, Kihi Ngatai, Wiparera Te Kani, Te Hui Ngatai, Puina Fisher, Pua Taikato, Waraki Paki, Mahaki Ellis, Brian Dickson, Anthony Fisher and Ngareta Timutimu amongst others, are re-telling their stories of abundance of kaimoana, of cultural wealth which deteriorates into a sense of emotional, cultural, physical and spiritual pain. The effects are cumulative. Whilst the narrative suggests this is just one application, it is more, it is them all.

In report-speak, the application brings to light an ongoing list of matters to be addressed in the technical assessment and the cultural values review. In summary:

1. There are hydrodynamic and sedimentation impacts
2. Marine ecology and biodiversity impacts
3. Visual and landscape impacts
4. Reclamation impacts
5. Effects on Whareroa Marae, Ngāi Tukairangi hapū and whanau

Thirdly, the FTAA places iwi interests, particularly corporate iwi entities, namely the Iwi PSGEs, ahead of, and in place of the hapū, who are the most affected by the proposed development, the mana whenua (and tangata whenua) who are most closely associated with the whenua of the POTL and its surrounds. We strongly contest the elevation of the Iwi PSGEs, above hapū, whānau and marae. We go as far as suggesting that some iwi should not be involved in this process at all, it should only be hapū. Whilst this approach may have been appropriate in the past, three decades ago, the reality is that the issues related to legislative hopscotch born out of the complexities of the resource management regime require hapū to be engaged, with their own representation.

Fourthly, we have traversed through our cultural lens, with a technical assessment as well to ensure our voices are not diminished as a result of academic, corporate or consultancy hierarchical license - this whole review *"cascades through a window of cultural values centred on a clear understanding of knowing our whenua, our moana, our hapū and whanau, and most importantly your cultural and everyday practices as tangata whenua"*. Whether we describe these factors through an assertion of Mātauranga Māori, or tikanga Māori, or tangata whenua, or mana whenua. The fact still remains, our cultural values through which we assess our relationship to the moana and our whenua strongly suggests tangible depletion, severe environmental impacts, and long-term degrading

modification of cultural practices as a result of being disconnected to who we are and what we do with our moana.

The profound **cumulative impact** of resource consents for ongoing industrial encroachment on our **pātaka kai and tauranga ika** for Ngāi Tukairangi hapū is extensive. We have provided numerous accounts from our koroua and kuia, pointing out that the resourceful and plentiful pātaka kai is now depleted, and kaimoana grounds full of pipi, tuangi, ureroa and different forms of ika no longer exist. We posit that the POTL application will continue to deplete the scarce kaimoana that remains within the harbour and the moana unless comprehensive, well-resourced programmes are put in place to mitigate and remedy these adverse effects.

There are other matters that we believe warrant further assessment, and which do not neatly fit within the confines of a cultural values report or an environmental analysis. That is the role played by POTL as a gateway to crime and drug importation. Numerous news reports are shared about how simple it appears to be to import drugs through our waters into our country. We simply ask - *what is the POTL doing to stop this issue impacting our people and our community?* We also ask about the transportation and freight related impacts on our people. Where is the information about those impacts?

8. RECOMMENDATIONS

Throughout this report, strongly articulated arguments for acknowledging Ngāi Tukairangi hapū are highlighted, and recommendations are made. They are made in the context of what Ngāi Tukairangi hapū view as the ongoing cumulative impact of degradation to the moana, the whenua, the kaimoana and the overall wellbeing of our people; as opposed to an isolated standalone unrelated consent application. We outline that we do not accept that the application recognises and provides for the relationship status of Ngāi Tukairangi, our cultural and traditions with our ancestral lands, water, sites, waahi tapu and other taonga. Ngāi Tūkairangi hapū's view of this SPD application is to **oppose the application**. We have compiled a list of recommendations and wish to enter into meaningful discussions about next steps, particularly with regards to the creation of conditions that will address the adverse effects outlined in this report.

Recommendation 1: That an apology is issued to Ngāi Tukairangi hapū for excluding our people from the earlier phases of these consent proceedings as mana whenua-tangata whenua in the Mount wharf area, and also, the Sulphur Point wharf area. As a corporate entity, effectively owned by the Bay of Plenty Regional Council, through Quayside Ltd, this information is institutional knowledge. Our tipuna voices have shown - this area is within our direct mana whenua-tangata whenua area; and it is outrageous that we were excluded (see Section 6).

Recommendation 2: That Ngāi Tukairangi is acknowledged as holding multiple rights to comment on the substantive application as per the provisions of the FTA; and in doing so, the POTL must find dedicated time for that process to occur (see p.41).

Recommendation 3: That Ngāi Tukairangi Hapū Trust is a Treaty Settlement Entity, and as such, we should be recognised appropriately within the terms of the FTA (see p.42); and also because we are the hapu with mana whenua status in the area where the expansion and dredging will occur.

Recommendation 4: The POTL has not adequately promoted the sustainable management of natural and physical resources; nor does it meet the natural character provisions of the coastal environment in a way that satisfies Ngāi Tukairangi. **The POTL must promote sustainable management of natural and physical resources.** In addition, an opportunity to meet that expectation through the crafting of conditions should be afforded to Ngāi Tukairangi (see p.44).

Recommendation 5: That the proposed reclamations of foreshore and seabed; and their respective land title are vested in hapū who have mana whenua-tangata whenua status; and that the POTL is awarded a lease arrangement on terms agreed to as reasonable (see p.36 and p.63).

Recommendation 6: That Ngāi Tukairangi should be enabled to exercise kaitiakitanga in accordance with the provisions outlined on p.45; and resourcing should be provided for that to occur, that is commensurate with benchmarking that reflects the rates of return earned from the POTL operations. The Lyttelton Port and the Napier Port should not be used as an example in this context.

Recommendation 7: Further work is needed to be undertaken to assess the long term cumulative effects of the sedimentation on cultural and ecological values, with site-specific monitoring of kaimoana health pre-and post-construction, tied to appropriately funded and going resourcing of a comprehensive kaimoana protection and restoration plan as recommended by TMICFT. We insist on including Ngāi Tukairangi rangatahi in that project; with resourcing for their involvement. This monitoring may include, but is not limited to:

- Improved dredging techniques
- Real-time sediment monitoring and
- Kaimoana, biodiversity and habitat restoration initiatives (see pp.61-63).
- Capability and capacity building and scholarships for moana related training.

Recommendation 8: That visual remedies are addressed that meet the expectations of those wishing to see the viewshaft to Mauao; and to meet the needs of the Whareroa marae and Hungahungatoroa marae whanau (see pp.56-58).

Recommendation 9: That Ngāi Tukairangi hapū, Whareroa marae whanau, and Ngāti Kuku are engaged deliberately to ascertain what mitigation strategies are needed to address concerns about noise, air pollution, industrial smothering and how our involvement in future monitoring can be established adequately, and duly resourced (see pp.60-61).

Recommendation 10: That the list of technical mitigation strategies outlined in Section 5 of the report – including reference to drug trafficking; transport congestion, freight logistics, and oil spillage prevention are reviewed and adequately considered and addressed.

Recommendation 11: That the list of environmental, biodiversity, kaimoana restoration, capacity building and capability building opportunities are created; and a Te Awanui Moana Fund is established to address the myriads of obligations and responsibilities. The adoption of a levy could be the basis for the fund.

Recommendation 12: That POTL reframe its thinking on these environmental responsibilities; and takes on a custodian/kaitiaki values approach to the natural resources; and work closely with Ngāi Tukairangi to create this new platform for considering the long-term wellbeing of the Moana; and our people.

9. CONCLUSION

This report has sought to review the various documents provided by POTL officials, who have aimed to paint a picture of regional economic well-being that is crucial to the region, the country and its primary export and import clientele. Activities such as logging; horticulture, forestry and dairy to name just a few, seek constant reliable access to overseas markets through this POTL; and others around the country. To keep up with the pace of demand, we are told that facilities need to be bigger, brighter, deeper and done with haste. The risk to POTL is significant, share value can be affected; customer relationships can be impacted and financial returns reduced.

Notwithstanding any of those economically derived factors, the development relies on the use of natural resources from Te Taiao; that simply **do not belong to the POTL**. As Ngāi Tukairangi, we are saying that economic gain alone is an insufficient argument for supporting this consent application.

Ngāi Tukairangi seeks acknowledgement of what we lost as the POTL grew economically, the development was on our whenua, and it is stolen land. Ngāi Tukairangi is invested in ensuring that our mokopuna will be able to at least harvest kaimoana that their tipuna harvested centuries ago, we are also scared of the impact upon our moana, and its habitat, particularly in and around the inner harbour, Mauao our maunga also bears witness to these ongoing annoyances. The multiple factors that are at risk with this additional consent are many - kaimoana, seabed, moana, wai, manu and so on and so on - what we see, what we breath, what we taste and what we hear are all factors negatively impacted upon by this consent. In conclusion, the cumulative impacts of this consent; in our view, do not warrant support for this application. As a result – **we are opposed to the consent being granted.**

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Attachment 10: Comments received from the Minister for Māori Development and/or Minister for Māori Crown Relations

Feedback Minister Potaka - Saved

Feedback · FTA - Feedback

Portals-Fast Track Portal - ftaa-portal
Owner

Submitted
Portal Status

General Documents Related

Feedback Details

Feedback ID: * FDB001618T1R3

Title: * Feedback Minister Potaka

Regarding: [Draft Section 18 report for Minister comment](#)

Comments: Recommend that environmental and cultural concerns be appropriately addressed through panel – particularly Rangataua and other areas of iwi significance.

Feedback Contacts

Created By (Contact): [Bria Kerei-Keepa](#)

Source: Portal

Application: [POTL - Stella Passage Development](#)

Created By: [# Portals-Fast Track Portal - ftaa-portal](#)

Created On: 20/11/2025 1:27 PM

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