

8 June 2026

Tauranga Moana Iwi Customary Fisheries Trust (“Trust”) - Response to request for information on the Stella Passage Development – FTAA-2512-1163

Introduction

1. On 22 May 2026 the panel requested we provide further information on a number of matters set out in Minute 5 of the Expert Panel (“**Minute**”). The Trust responds to these matters below.
2. The Trust has requested confirmation as to whether further funding is available for the additional work required to provide this further information, much of which is already contained in our original comments, but which we respond to in order to avoid any assumption that the information has not been provided.

Contact details

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	Kiamaia		
Last name	Ellis		
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Home phone / Mobile phone	██████████	Work phone	
Email (<i>a valid email address enables us to communicate efficiently with you</i>)	██████████ and ██████████		

2. We will email you draft conditions of consent for your comment			
☒	I can receive emails and my email address is correct	☐	I cannot receive emails and my postal address is correct

3. **Paragraph 4 of the Minute requests tangata whenua participants comment on:**

- a. **the Applicant's distillation of the adverse cumulative cultural effects of allowing this project and/or an alternative list or explanation.** The Trust has set out clearly in its written comments (**Comments**) already submitted what the cumulative effects of the project on customary fisheries and other matters will be (see copy of our comments attached following this). Refer para 2, 7, 20-23, 27, 32-34, 35-37, 45, 52, 55.13, 56 and the Cultural Values Report (**CVR**) already submitted (further copy attached). The Trust does not accept the Applicant's summary and does not propose to attempt further distillation than what has already been summarised in the comments from the full Cultural Values Report as this will potentially reduce what are a complex web of interconnected effects on the fisheries which have consequential effects on cultural values such as the inability to feed your manuhiri, inability to exercise kaitiakitanga and more into a tick box exercise for elimination. They have already been clearly articulated.
- b. **the existence of any positive effects of allowing this project (including effects arising in the foreseeable future) and, if applicable, actual or potential examples.** In terms of the customary fisheries, there are no positive effects of allowing the project. These could only potentially arise if there was a serious and significant commitment by the Applicant to improving evidence-based outcomes for the fisheries over the life of the consents as we have requested.

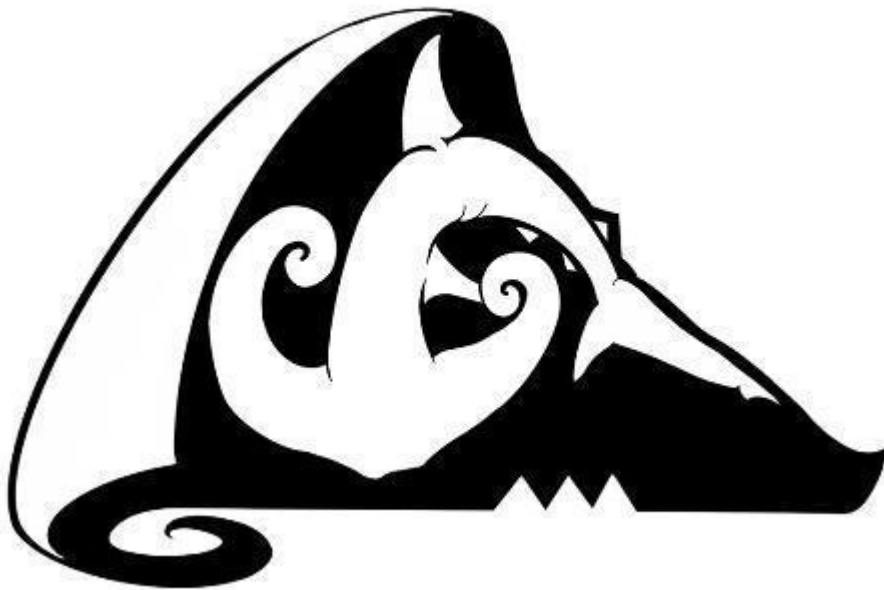
4. **Paragraph 7 of the Minute states Rules PZ5, PZ8, PZ10 and PZ11 of the Regional Coastal Environment Plan (RCEP) contain a matter of discretion "site specific historical or cultural values under ss 6(e) or 7(a) of the RMA". Section 6(e) requires decision makers to recognise and provide for "the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga". Section 7(a) requires decision makers to have particular regard to "kaitiakitanga". The Panel requests further information: from any participant that wishes to provide an interpretation of this matter of discretion in the context of this application.** The CVR and the Comments both contain extensive information about the site specific historical and cultural values of the project area with respect to ss6(e) and 7(a) of the RMA. An in depth analysis of these matters is set out in section 12 of the CVR and addressed throughout the Comments.

5. **Paragraph 8 seeks further information from all tangata whenua participants as to:**

- a. **their concerns with the SPDAG in the revised condition set provided in Appendix 1 to the 7 May 2026 planning evidence of Luke Faithfull on behalf of the Applicant:** Already provided in the Comments from paragraphs 45-56.
- b. **any amendments to those conditions that might address those concerns;** Already provided in the Comments from paragraphs 45-56.
- c. **whether there are currently known alternative mechanisms that have the support of all tangata whenua participants through which the adverse cumulative cultural effects of allowing this project could be better addressed:** Unknown and the question suggests that it is for tangata whenua to seek agreement with each other on a homogenised set of conditions that satisfy all Maori issues, rather than it being a legal

requirement for the applicant to deal with the adverse effects of its activity, on all affected groups, in accordance with the different ways in which it may adversely affect them.

6. **Paragraph 9 states some tangata whenua participants have requested an oral hearing. Paragraph 244 of the Applicant's Legal Submissions dated 7 May 2026 suggests a potential process for the Panel to adopt in the first instance. The Panel requests feedback from the tangata whenua participants as to that suggested process and/or an alternate process that may assist the Panel to better understand the scale of the cumulative cultural effects and the "appropriate mitigation, remediation and offsetting".** The process suggested by the Applicant appears to be a very belated attempt to engage with tangata whenua parties and seeks a narrowing of the issues rather than an open-minded process aimed at ensuring the adverse effects on customary fisheries are appropriately addressed. The Trust suggests that it would take a day just to cover the customary fisheries aspects and work through the potential conditions so attempting to engage with all tangata whenua groups and work through all the relevant cultural issues would be impossible. The Trust accordingly suggests a full day process to work through the Trust's suggested conditions, separate to the other parties.
7. **Paragraph 11 states that the Applicant has provided extensive information in response to the comments received, including multiple statements of evidence addressing the "western science" effects. The Panel seeks clarification from the commenters that raised "western science" matters (other than economics and planning) as to whether their comments have been satisfactorily addressed by the response or whether matters remain in contention. If the latter, the Panel would be assisted by a list of matters in dispute and the expert's indication of whether it is material (such that it may benefit from inclusion on an agenda for direct conferencing) or not.** No, the Trust's comments have not been satisfactorily addressed by the Applicant and remain in contention. The matters in contention are all listed in the Trust's comments, specifically in the comments on the conditions and the conditions proposed by the Trust. They are all material and as we have stated repeatedly, we have sought to directly engage on conditions and have been shut out of any such conversations with the Applicant despite holding statutory authority to act as kaitiaki of the customary fisheries. The Applicant persists in denying the cumulative effects on the customary fisheries, the data gap caused by its failure to undertake monitoring for seven years that necessitates a comprehensive approach to remedy this formulated in consultation with the Trust and implementation of the other measures proposed in the Comments. The Conditions proposed by the Trust are clearly set out in paragraph 56 of the Comments, and as stated above, we would welcome a proper opportunity to engage directly with the Applicant on these suggestions.



TAURANGA MOANA IWI CUSTOMARY FISHERIES TRUST

Introduction

1. The Tauranga Moana Iwi Customary Fisheries Trust (“**Fisheries Trust**”) has been invited to comment on the Stella Passage Development Application (“**Application**”) under s53(2)(g) of the Fast Track Approvals Act 2024 (“**FTAA**”) as the:

“the tangata whenua of any area within the area to which the substantive application relates that is a taiāpure-local fishery, a mātaītai reserve, or an area that is subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.”

2. The Fisheries Trust has a critical statutory role under Treaty Settlements and Part 9 of the Fisheries Act 1996 with respect to the management and protection of the customary fisheries within Tauranga Moana and in Te Maunga o Mauao Mātaītai Reserve (“**Mātaītai Reserve**”) that the Fisheries Trust submits has been adversely affected by the Port’s exiting consents and activities, and will continue to be adversely affected, cumulatively, by the activities proposed under the Application.

Summary of Position

3. The position of the Fisheries Trust is that the Application is **OPPOSED**. Such opposition will be maintained unless and until comprehensive conditions are provided by the Applicant that account for:

- 3.1. The seven-year long failure of the Applicant to monitor the customary fishing stocks and effects on the under its existing consents which has led to a significant and highly prejudicial data gap ("**Data Gap**");
 - 3.2. A comprehensive plan formulated in consultation and agreement with the Fisheries Trust to remedy the Data Gap and formulate a set of both monitoring and remediation conditions that ensures the health and ongoing well-being of the customary fisheries within Tauranga Moana and the Mātaitai Reserve;
 - 3.3. A review condition that provides for any failure of the Applicant to comply with the monitoring and remediation conditions formulated and agreed above to trigger a suspension of the consents until such time as the defaults are remedied;
 - 3.4. A funding mechanism condition that requires the Applicant to fund all required monitoring, remediation, research and review requirements under the proposed conditions above; and
 - 3.5. Amendments to the proposed conditions as outlined in the comments below.
4. The comments provided include excerpts from the Cultural Values Report ("**CVR**") prepared by the Fisheries Trust for the proposed Stella Passage Development and from the summary of comments made on the referral application. A copy of the full CVR is attached to these comments and forms part of the Fisheries Trust's comments on the Application.

Project summary

5. The Project contained in the Application involves the following activities
 - 5.1. Deepening, by dredging, approximately 10.55 hectares of Stella Passage to a finished depth of approximately 16 metres below Chart Datum (CD) (approximately mean low water spring tide). This would yield a volume of dredgings of approximately 1.5 million cubic metres. This dredging will provide clearance for vessels to berth at the proposed wharf extensions.
 - 5.2. Maintenance dredging, on an as needed basis, to maintain an operational depth of 16 metres below CD within sitting basins and the shipping channel of Stella Passage.
 - 5.3. Reclamation of approximately 3.58 hectares of the CMA either side of Stella Passage, to facilitate the wharf extensions. Approximately 1.81 hectares is to be reclaimed on the Sulphur Point (western) side, and approximately 1.77 hectares is to be reclaimed on the Mount Maunganui (eastern) side.
 - 5.4. Development of an approximately 385 metre long extension to the south of the existing Sulphur Point wharves in two stages, a 285 metre extension first and the balance later.
 - 5.5. Development of an approximately 315 metre long extension to the south of the existing Mount Maunganui wharves in stages.
 - 5.6. Reconfiguration of existing structures and development of new structures in the CMA, primarily wharf piles, berthing piles and jetties.
 - 5.7. Construction and use of four additional cranes atop the proposed Sulphur Point wharf and Mount Maunganui wharves extensions for port operations (shipping container handling)

- 5.8. If necessary, the capture and relocation of kororā/blue penguin from the footprint of the Mount Maunganui extension.
- 5.9. Activities involved in, or that support and are subsidiary to, the project.
6. The Project will be located in the coastal marine area within Tauranga Harbour at Sulphur Point and Mount Maunganui.
7. In terms of the potential impacts on the Mātaitai Reserve, it is difficult to imagine a Project of greater scale and magnitude that will have ongoing and cumulative adverse effects on the taonga species within the reserve. Consequently, the Fisheries Trust must, as kaitiaki of the reserve, ensure that this Panel:
 - 7.1. Understands these potential adverse cumulative effects on the customary fisheries taonga species under the Trust's statutory management within the reserve;
 - 7.2. Understands the potentially severe and irreversible risks to these customary fisheries arising from the dredging operations and other activities under the Application;
 - 7.3. Understands the potentially devastating cultural effects that any further degradation of the customary fisheries could have as a result of the Application's activities, that could turn Tauranga Moana from the "Pātaka Kai" (food cupboard) of its three iwi, into an empty shopping cart that leaves them unable to feed their people and their manuhiri (visitors) the kaimoana (seafood) that has sustained them for generations; and
 - 7.4. Requires the Applicant to work with the Fisheries Trust to formulate appropriate monitoring, review, remediation and funding conditions to ensure that this environmental and cultural disaster does not occur.

Kaitiaki Role of the Fisheries Trust and Cultural Context

8. The Fisheries Trust 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).
9. The Fisheries Trust holds statutory responsibilities as tangata kaitiaki of the Mātaitai Reserve, an area established to protect and restore depleted customary fisheries. The Project is directly adjacent to and likely to impact the Mātaitai Reserve, undermining ongoing efforts to recover 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.
10. The authority of the Fisheries Trust has been undermined by underfunding, exclusion from decision-making, and the seven-year gap in kaimoana monitoring as required under the consent conditions (2016–2022). These failures demonstrate the need for **enforceable** consent conditions tied to suspension of the operation of the consents that enable the Fisheries Trust to act in a co-management role rather than just in consultation.

11. 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 – the three iwi who are represented under the Fisheries Trust. These activities within Te Awanui must recognise and protect these interests through genuine partnership and inclusion in the operations of the Port and the proposed consent conditions.
12. The Fisheries Trust, 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. Those taonga species include (among others): Kina; Kūtai/Kuku (Green-lipped Mussel); Pāua; Kōura (Crayfish); and Pipi.
13. It is therefore essential that the Fisheries Trust is actively involved in the assessment, monitoring, and decision-making processes to uphold its kaitiakitanga obligations to protect these taonga species for future generations within the reserve area that is a significant part of the Application area.
14. 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).
15. The Fisheries Trust emphasises that the Application 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 the Fisheries Trust as a key partner in formulating and implementing consent conditions is essential to maintaining the integrity of kaitiakitanga and protecting the mauri of Te Awanui.

Te Maunga o Mauao Mātaitai Reserve

16. 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.
17. As Tāngata Kaitiaki of the Mātaitai Reserve, the Fisheries Trust has the responsibility to ensure the health and sustainability of these taonga and the ecosystems of the specified area outlined in Figure 1 below. 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.
18. There is a mātaimitai 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 mātaimitai reserve, in December 2025 the Fisheries Trust applied a traditional rāhui over three taonga species within the mātaimitai reserve (pāua, kōura and kutai). To ensure that sustainability measures are enforceable through

fisheries legislation, the Fisheries Trust is close to releasing public notification for a range of new mātaítai reserve bylaws.

19. We must stress that the Mātaítai Reserve is not merely a ‘management zone.’ Mātaítai 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



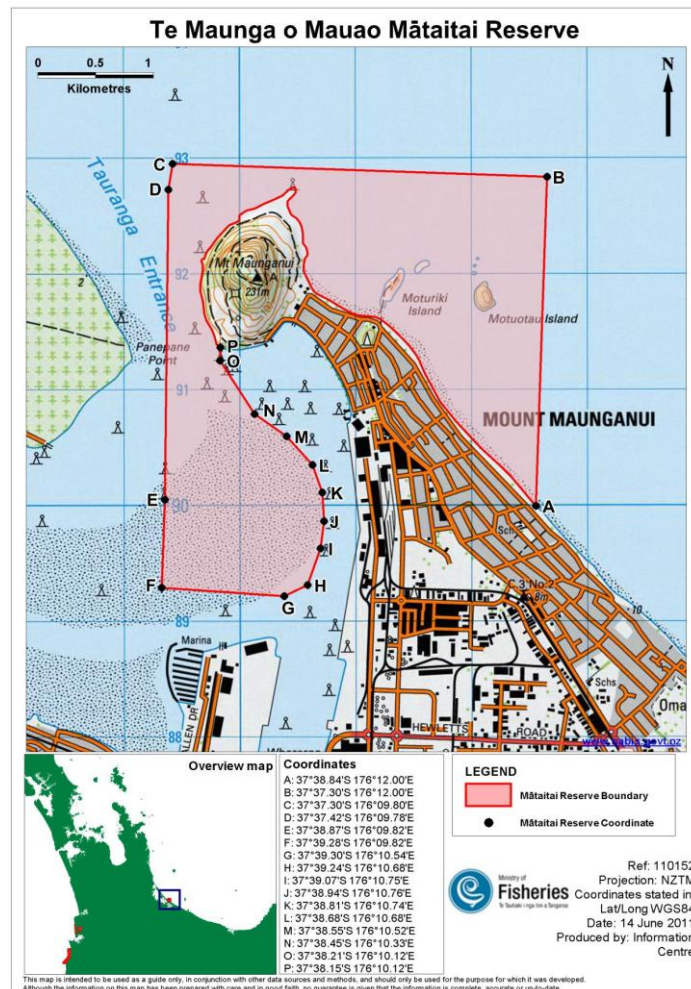


Figure 1. Te Maunga o Mauao Mātaitai Reserve 2008

Existing adverse effects on customary fisheries – cumulative adverse effects

20. The Fisheries Trust opposes the Application based on recent kaimoana survey results, which indicate further decline within an already unsustainable local fishery. Data from the Kaimoana Restoration Programme (undertaken as a condition of the current resource consents) shows unsustainable declines for kaimoana within the Mātaitai Reserve, reflecting ecological imbalance and cultural distress that cannot withstand further disturbance.
21. 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 they provide appropriate

adaptive management conditions or remediation measures to ensure that the fishery recovers and is appropriately protected from further harm.

22. The Fisheries Trust 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 trust's statutory role within the proposed consent conditions, omission of the Kaimoana Restoration Plan results from the ecological assessment, the lack of incorporation of mātauranga Māori values, and the 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.
23. The Fisheries Trust 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 the Fisheries Trust are vital and must be provided for by the Panel in the absence of the Port refusing to engage meaningfully despite multiple attempts to have these discussions with the Applicant.

Kaimoana Restoration Programme – Evidence of Decline

24. This information is provided by way of further evidence to support the context for the proposed conditions put forward by the Fisheries Trust at the end of these comments. 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).
25. The kaimoana surveys (referenced above), validate 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.
26. 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.

Te Paritaha Pipi Bed

27. One of the key areas already adversely affected by the Port's activities that the Fisheries Trust submits will experience cumulative adverse effects from the Application within the Mātaitai Reserve is Te Paritaha Pipi bank (Centre Bank) see Figure 2 below:



Figure 2. Grid 1 in Red – Te Paritaha Pipi Monitoring Survey Design by Boffa Miskell 2023 Report

28. The health of pipi beds at Te Paritaha 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:
- 28.1. **Significant reduction in adult pipi populations** across multiple sites (Grid 1 and Transects A–D), despite high juvenile recruitment.
 - 28.2. **Low presence of harvestable-sized pipi (>50 mm)** — a key cultural indicator to determine a sustainable or unsustainable gathering environment.
 - 28.3. **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.
 - 28.4. **Spatial variability in pipi size and density**, which may be linked to dredging, shipping activity, or construction in and around Te Awanui.
29. 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.

30. 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:

- 30.1. **Whakawhanaungatanga with the environment** — we rely on these species to maintain cultural traditions, identity, and food sovereignty.
- 30.2. **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.
- 30.3. **Rāhui and harvest protocols** — culturally appropriate limits on gathering are compromised when the resource is already depleted by environmental pressures.

31. 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.

Te Tiriti o Waitangi, Cultural Disconnection and a History of Cumulative Effects

32. 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 (food basket), 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.

33. 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 these comments. 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.

34. Tauranga Moana Iwi had many traditional fishing and diving sites that illustrate deep connections to the moana over many generations. Some of these places no longer exist, and the ones within the Mātaitai Reserve are a small remainder for us to protect and sustain for future generations.

Loss of Traditional Fishing Grounds



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.

35. The ongoing and cumulative 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.
 - 35.1. **Erosion of Traditional Practices:** The inability to gather kaimoana disrupts the transmission of mātauranga Māori (Māori knowledge) and the practice of tikanga (customary protocols).
 - 35.2. **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.
 - 35.3. **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.
36. As a result of the failure to include appropriate conditions of consent that appropriately monitor, remedy and mitigate the cumulative effects of the Application on both the physical customary fisheries and the resulting cultural effects described above, the Project also exacerbates the Treaty breaches identified in previous inquiries such as Wai 215. This includes

alienation from kaimoana beds, exclusion from decision-making, and the destruction of culturally significant sites.

37. 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. The exclusion of the Fisheries Trust despite its cultural and statutory mandates from advisory and governance roles within the activities proposed under the Application is culturally unacceptable and inconsistent with Article II of Te Tiriti o Waitangi.

Legal Frameworks and Fast-Track Obligations

38. The 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.
39. These frameworks affirm the legal authority of the Fisheries Trust, the status of the adjacent Mātaitai Reserve, and the requirements 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.

Fast-track Approvals Act 2024

40. 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:
- 40.1. Reducing timeframes for assessments and submissions,
 - 40.2. Restricting participation of Iwi / Hapū in the decision-making process,
 - 40.3. Establishing expert panels to review and make final decisions, and
 - 40.4. Limiting the avenues for appeal or challenge.
41. However, this speed and streamlining comes at the expense of robust engagement, particularly with tangata whenua and communities with legal interests in affected areas.
42. 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”).
43. 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.

44. The Fisheries Trust were provided with drafts of the Ngāti Ranginui and Ngāi Tukairangi cultural values reports prepared for the purposes of this Application. The Fisheries Trust supported and adopted 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 the Applicant 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.

Proposed Conditions

45. The draft conditions proposed in Appendix 5 of the Application are insufficient, incomplete and do not sufficiently address the cumulative adverse effects that will arise with respect the customary fisheries within the Mātaitai Reserve under the kaitiakitanga of the Fisheries Trust.
46. Despite being the mandated statutory authority for the Mātaitai Reserve and the three Tauranga Moana Iwi, the Fisheries Trust has been deliberately left out of the conditions proposing to establish the Stella Passage Development Advisory Group (“**SPDAG**”) the relationship agreements and the associated conditions.
47. The proposed conditions are also insufficient to address the issues raised in these comments in order to monitor, remedy and mitigate the adverse effects of this Application on the Tauranga Moana pātaka kai contained within the Mātaitai Reserve.
48. The Fisheries Trust holds significant levels of knowledge and experience regarding the current and previous capital dredging campaigns by the Applicant, as well as holding the unique mātauranga and statutory responsibilities with respect to managing the customary fisheries within the Mātaitai Reserve. There appears to be no logical rationale as to why the Applicant has sought to exclude the Fisheries Trust from the SPDAG or any other conditions that relate to the management of our customary fisheries.
49. The Fisheries Trust members directly experienced all of the faults and mistakes made by the Applicant during the processes under the previous consents, including the ongoing and systemic breaches of the previous consent conditions regarding the annual monitoring of kaimoana.
50. The Fisheries Trust also managed the capital dredging cultural monitoring team approximately 12 years ago and have a cultural monitoring team onboard dredging vessels in the harbour since December last year to now. The apparent attempt by the Applicant to exclude the Fisheries Trust from ongoing monitoring and involvement under the proposed conditions is unacceptable and must be remedied.

Comments on conditions

51. The summary of proposed conditions to “recognise and provide for the relationship of iwi and hapū with Te Awanui/Tauranga Harbour” listed at Condition 1.1 provides:

- 51.1. Funding an ongoing Stella Passage Development Advisory Group (“**SPDAG**”) (**condition 3**) for involvement as required in this consent.
- 51.2. Invitations to the SPDAG to engage as follows:
 - 51.2.1. at least quarterly for the first two (2) years following the commencement of this consent and thereafter twice per year (in accordance with **condition 3.4**). These meetings may occur concurrently with SPDAG meetings required by consent [structures consent no.].
 - 51.2.2. An annual strategic planning meeting with the Port of Tauranga Limited’s Chief Executive Officer and Chair of the Board of Directors (**condition 1.3**).
- 51.3. Provision for involvement of the SPDAG under this consent in:
 - 51.3.1. Preparation of a Mātauranga Monitoring Plan (**condition 15.1**) and funding support towards the preparation and delivery of Mātauranga Monitoring (**condition 15.5**).
 - 51.3.2. Review of the Dredge Management Plan (**condition 8.3**).
 - 51.3.3. Review of Te Paritaha ongoing monitoring results (**condition 13.2**).
- 51.4. Providing an opportunity for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour to carry out ceremonies in accordance with **condition 1.2**.
- 51.5. A contribution of funds to the SPDAG to prepare a Mātauranga Māori State of the Environment report (**condition 12.1**). A contribution of funds to the SPDAG to provide for ongoing projects that benefit the health of Te Awanui/Tauranga Harbour or that directly benefit iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour (**condition 18.1**).
- 51.6. Funding towards education and research scholarships for iwi and hapū that have a relationship with Te Awanui/Tauranga Harbour (**condition 19.1**).

General comments on conditions

- 52. As a general comment, these conditions reflect an outdated, culturally insensitive and wholly inappropriate approach to the potentially significant cumulative adverse effects that the Application will have on the customary fisheries in Tauranga Moana.
- 53. The conditions state they are to *"Provide a means of liaison between iwi and hapū who have a kaitiaki relationship with Te Awanui/Tauranga Harbour and the consent holder through providing a forum for regular discussion about the implementation of this consent and consent [structures consent no.] This includes providing information back to iwi and hapū on progress on the implementation of the consent and providing feedback to the consent holder on any particular concerns arising from the implementation of the consent that iwi and hapū may raise with the SPDAG"*.
- 54. The tangata kaitiaki appointed under the fisheries legislation within the rohe moana are gazetted and there are also more specific mātaihai reserve tangata kaitiaki with respect to the project area. The Fisheries Trust has upheld strong engagement with the Applicant for many

years and has now been effectively removed from future engagement under these conditions, only included as a backstop should the other parties not participate.

Specific Comments

55. By way of specific comments:

- 55.1. The Fisheries Trust should be included in Condition 2.1;
- 55.2. The Fisheries Trust should be included in Condition 3.1;
- 55.3. The Fisheries Trust should receive direct notification under condition 4.1, not as a backstop;
- 55.4. The Fisheries Trust should be included in Condition 8.3;
- 55.5. The Fisheries Trust should be included in Condition 12.1 as one of the parties involved in preparation of the report. Funding should not be limited to a specific dollar amount and the report should instead require specific data from a comprehensive monitoring and remediation programme of ALL taonga species that will be affected by the Project, for the life of the project. Suggest that the \$100,000 amount be the minimum amount required. The report should provide for binding recommendations on further projects and work required to effectively remediate the effects of the Project;
- 55.6. Condition 13 must be expanded to provide a comprehensive monitoring program of all areas affected by the Project, not just Te Paritaha. The Fisheries Trust should be included in all ongoing monitoring and remediation projects for the customary fisheries.
- 55.7. Condition 14 - Cultural Monitoring of Dredge Operations - does not state whom appoints the cultural monitor to dredging operations, just that the monitor reports back to SPDAG. The Fisheries Trust should be involved in the appointment of the Cultural Monitor along with the SPDAG. The Cultural Monitor should have further powers for any cultural / environmental stop work/alter course triggers e.g. artefacts being found, marine species.
- 55.8. Condition 15 – Mātauranga Monitoring Plan – the Fisheries Trust should be included in the preparation of this. The purpose of the Mātauranga Monitoring Plan is to detail how the cultural health of Te Awanui/Tauranga Harbour, to the extent it overlaps with the Port Zone. This should apply to neighbouring marine space as well as overlapping.
- 55.9. Condition 15.5 – the funding for the plan should not be limited to a specific dollar amount - Suggest that the \$25,000 amount for the plan be the minimum amount required.
- 55.10. Condition 18 – the restoration and mitigation amounts offered are not tied to any concrete or enforceable obligations on the Applicant to actually provide for the restoration and mitigation of the customary fisheries that the Project will impact. As evidenced by the significant failure of the previous monitoring regime, conditions structured in this manner that bear no consequences for the consent holder for dealing with the adverse environmental effects it will be creating are unacceptable and must be redrafted.
- 55.11. Condition 19 – the condition should also provide for the support of students from Tauranga Moana who can assist in the mahi of the Fisheries Trust under the consent conditions.
- 55.12. Condition 24 – the Fisheries Trust should be involved in any review.

- 55.13. Condition 25 – the Consent term of 35 years is an entire generation and is far too long. A shorter term of 10 years should be granted to ensure a full review of the ongoing cumulative effects of this significant Project are revisited in a wholesale manner.

Conditions Proposed by the Fisheries Trust

56. To address the adverse cumulative effects of the Project on the customary fisheries within Tauranga Moana, the Fisheries Trust recommends that the following conditions be included if the Project is approved by the EPA:

- 56.1. A comprehensive plan formulated in consultation and agreement with the Fisheries Trust to remedy the Data Gap and formulate a set of both monitoring and remediation conditions that ensures the health and ongoing well-being of the customary fisheries within Tauranga Moana.
- 56.2. Establishment of a Kaimoana Enhancement Programme (**KEP**) for Te Awanui and the Mātaitai Reserve, to be appropriately funded by the Port of Tauranga.
- 56.3. A review condition that provides for any failure of the Applicant to comply with the monitoring and remediation conditions formulated and agreed above to trigger a suspension of the consents until such time as the defaults are remedied;
- 56.4. A funding mechanism condition that requires the Applicant to fund all required monitoring, remediation, research and review requirements under the proposed conditions above.
- 56.5. An annual Customary Fisheries Levy (CF Levy) condition tied to import/export volumes to support the costs of ongoing restoration and monitoring.
- 56.6. A resourcing condition to support the training 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.
- 56.7. A condition requiring the restoration of kaimoana nurseries and removal of benthic sediment build-up beneath wharves.
- 56.8. Conditions ensuring the Fisheries Trust has governance representation in all monitoring, advisory, and restoration protection plans.

Conclusion: Partnership, Protection, and Restoration

57. The Fisheries Trust 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 the Fisheries Trust 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.
58. 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 the Fisheries Trust's mandated role.

59. 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.
60. These comments draw from the CVR submitted to the Applicant. All cultural knowledge remains the intellectual property of tangata whenua and is shared for the purpose of informing decision-making on this proposal.
61. Additional to my role in the Fisheries Trust, I submit these comments 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.
62. 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

Dated: 30 April 2026