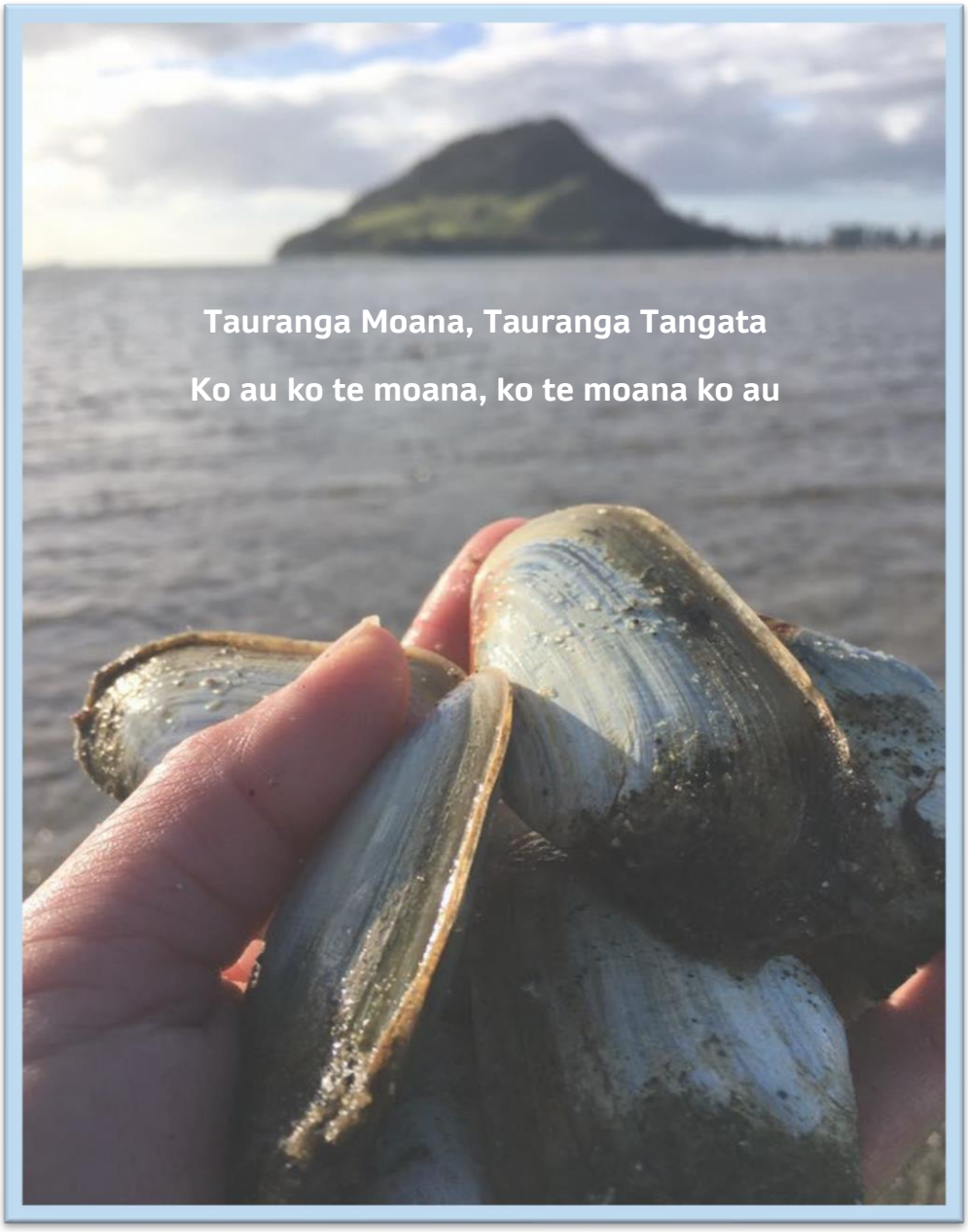
CULTURAL VALUES REPORT

Proposed Stella Passage Development



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

Table of Figures

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. TMCIFT'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).*

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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.

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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

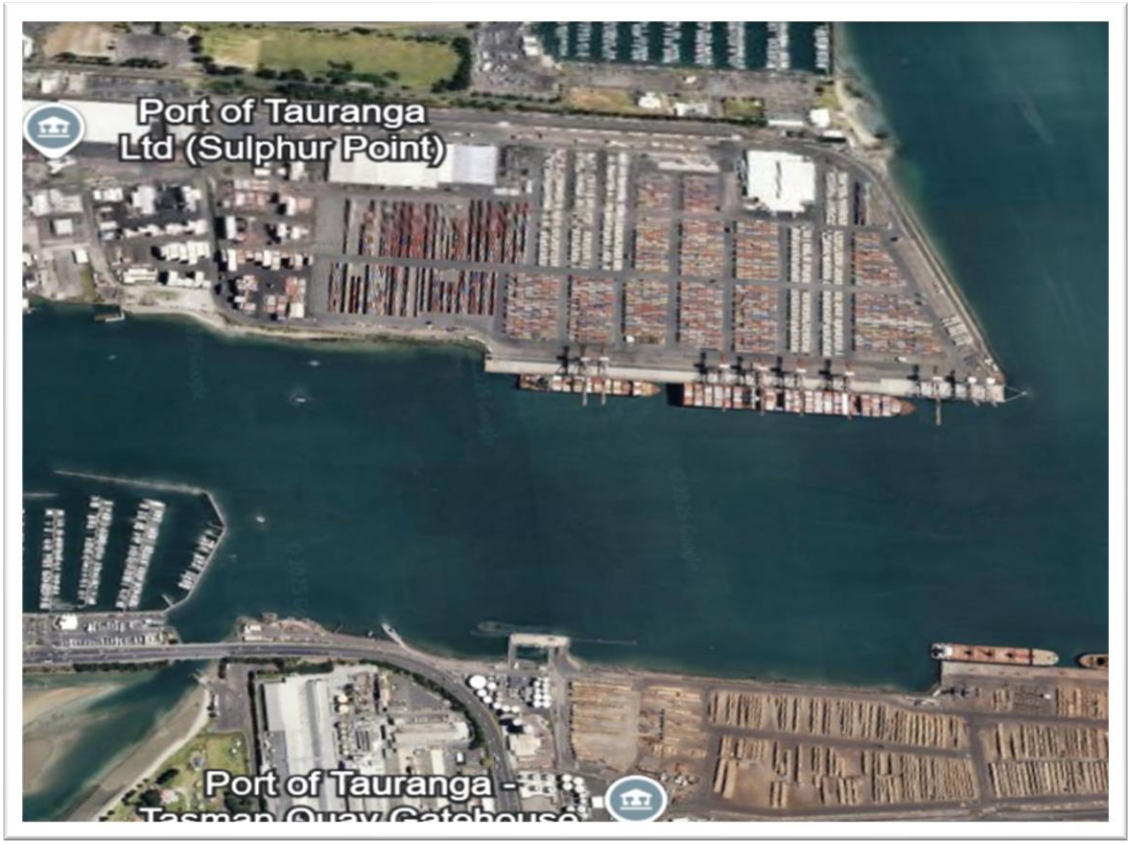


Figure 1. Proposed Stella Passage Development satellite image

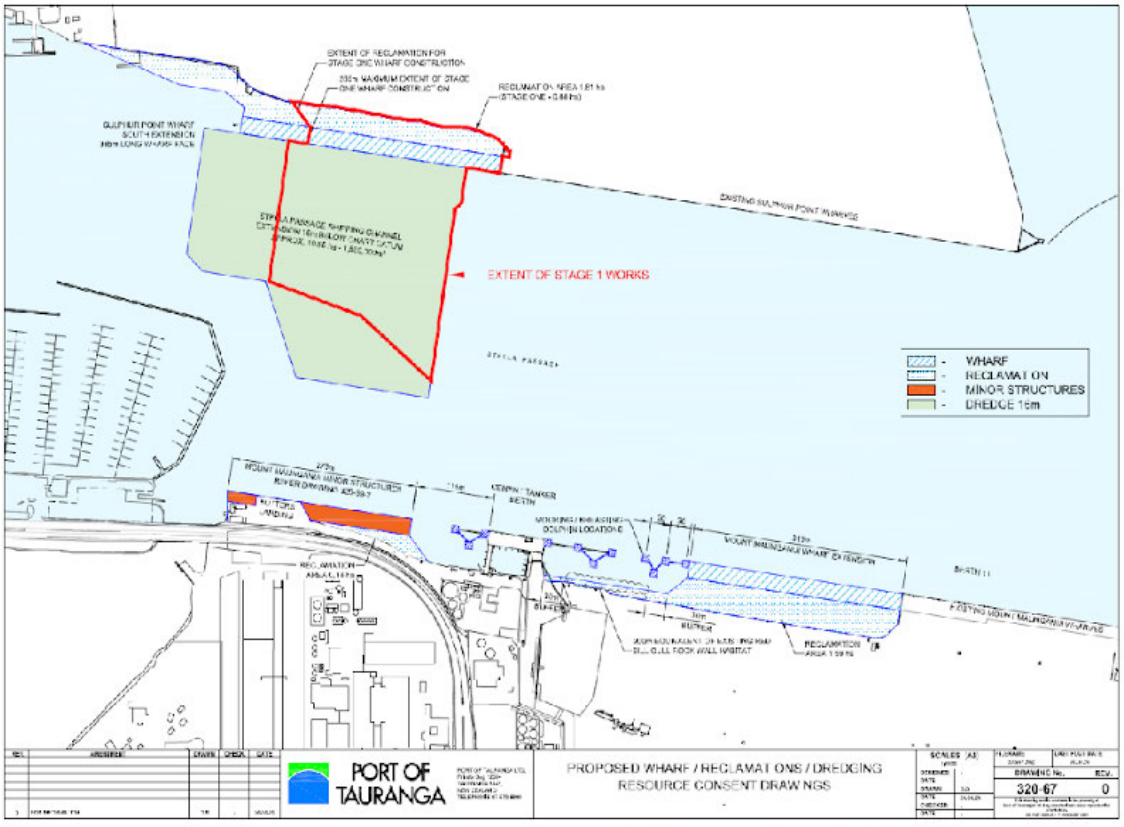


Figure 2. Proposed wharf reclamations, dredging resource consent drawing

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.

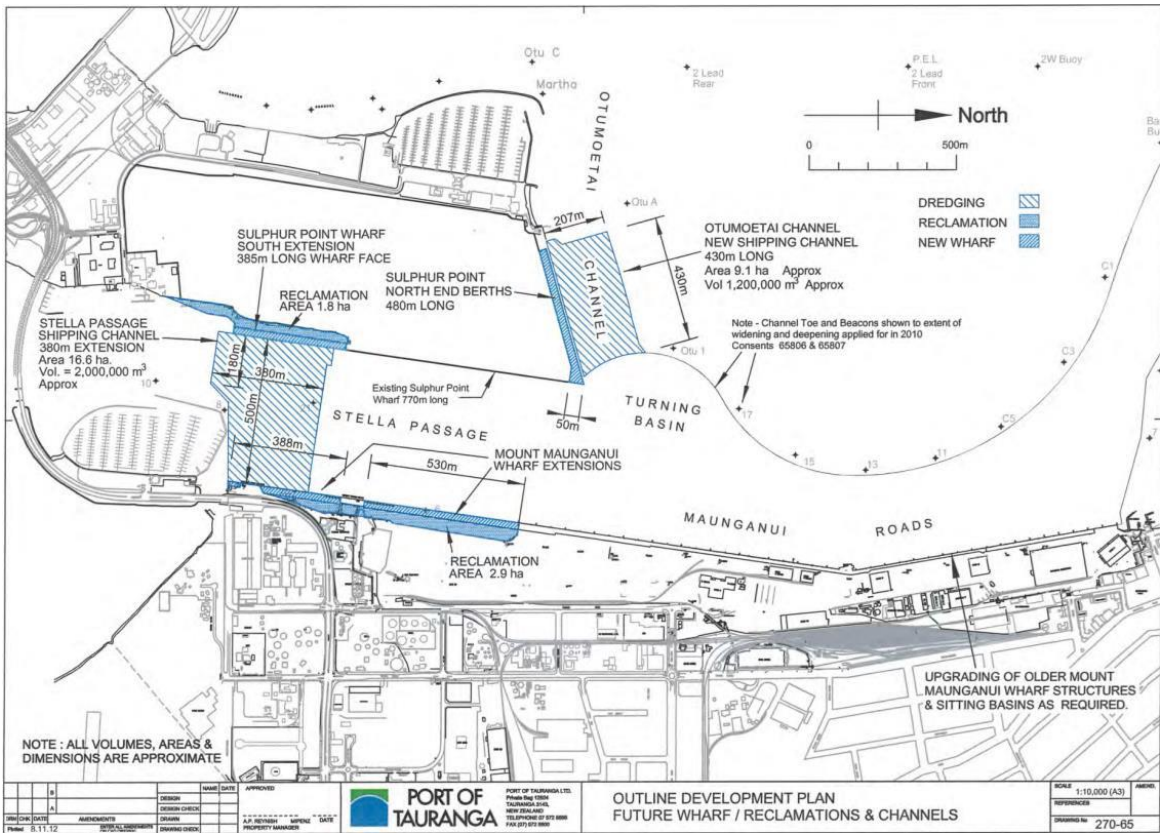


Figure 3. Outline development plan – future wharf extensions, reclamation and dredging 2025

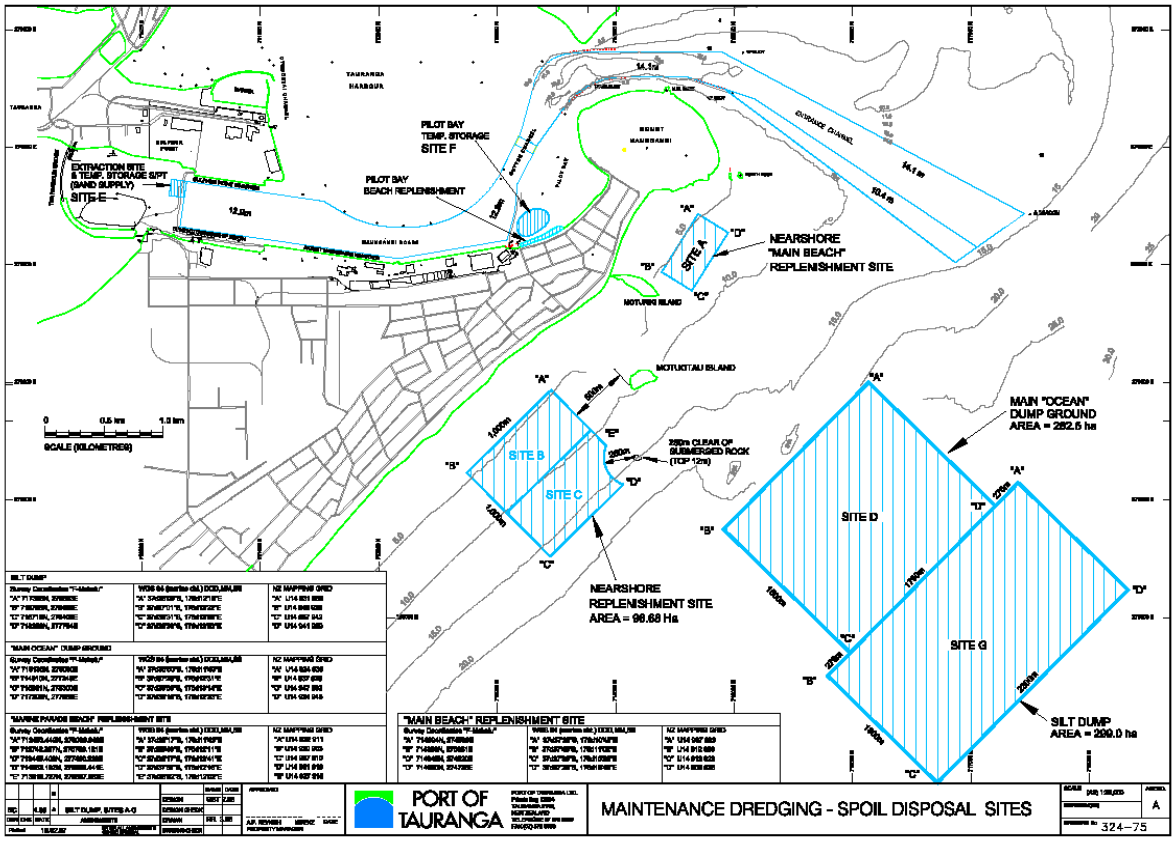


Figure 4. 2010 Plan: Maintenance dredging and spoil disposal sites from previous consents 65807/07

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 Kurī 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.**

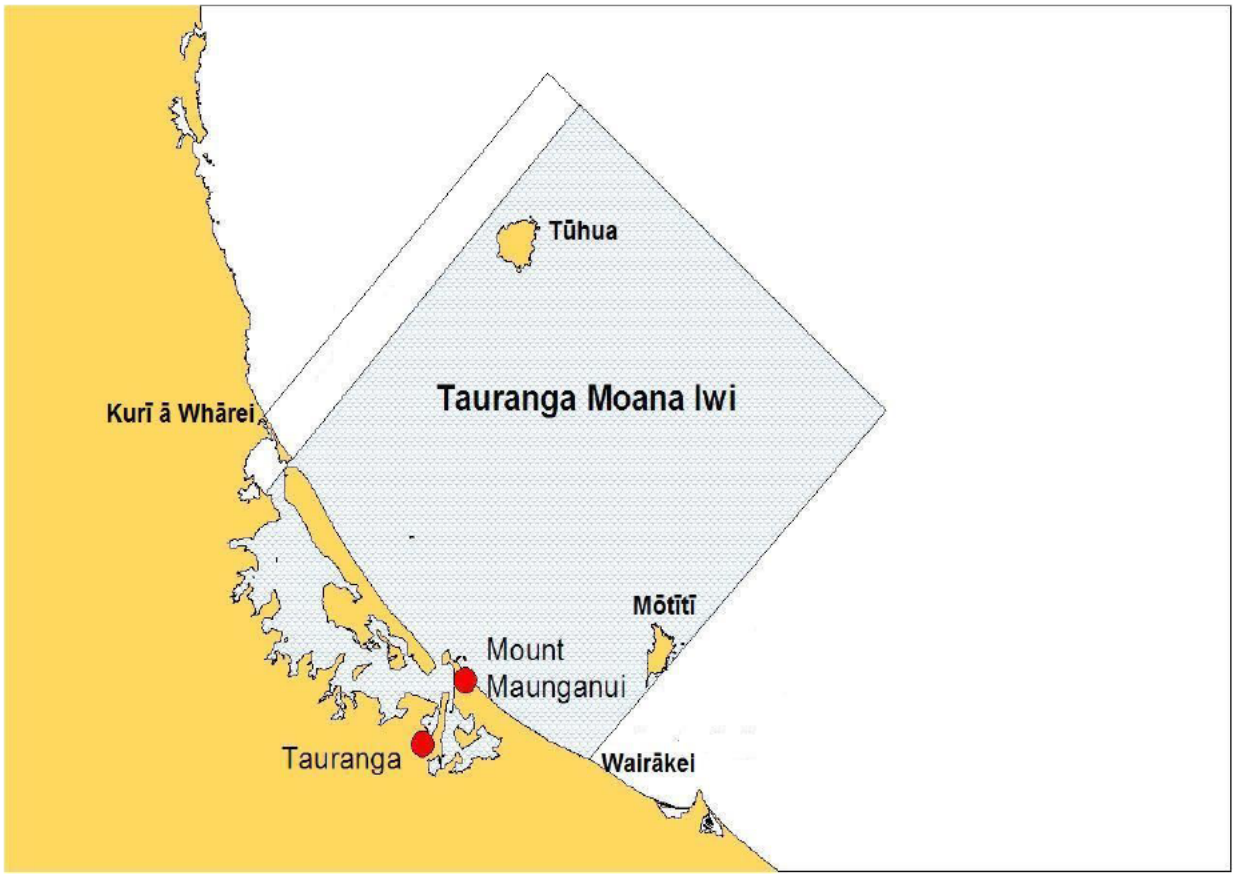


Figure 5. Gazetted rohe moana of Tauranga Moana Iwi Customary Fisheries

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	*Mātaitai Reserve*. Wāhi tapu, ancient pā sites. Pātaka kai, traditional fishery. Significant moana sites around Mauao include *Tanea Shelf, Te Kuia, Ngā Kuri Neko a Tarawhata, Te Toka a Tirikawa, Te Awaiti, Te Puapuanui and Hinekite*.
Mōtītī	Pātaka kai, traditional fishery.
Tūhua	Pātaka kai, traditional fishery. *Marine Reserve*.
Kārewa	Pātaka kai, traditional fishery, Tītī (mutton bird colony), Tuatara, Taurikura Ancestor.
Moturiki	*Mātaitai Reserve*. Pātaka kai, traditional fishery. Historic pā site.
Motuotau	*Mātaitai Reserve.* Pātaka kai, traditional fishery. Historically significant.
Te Marutuahu	*Mātaitai Reserve.* Pātaka kai, traditional reef fishery. Previously under rāhui for kutai (green-lipped mussels).
Omanu	Pātaka kai, traditional fishery.
Te Awanui	*Mātaitai Reserve.* Pātaka kai, traditional harbour fishery, shellfish beds.
Te Paritaha	*Mātaitai Reserve.* 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	*Mātaitai Reserve.* 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

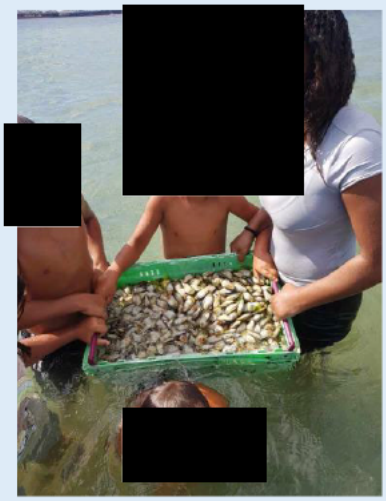
The Mātaitai Reserve, established in November 2008, is the only kai moana gathering place along the coastal area of Tauranga Moana that contains a variety of taonga species not readily found in such diversity along the nearby coastline. This includes: pipi, pāua, kina, kutai, kōura and many other species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

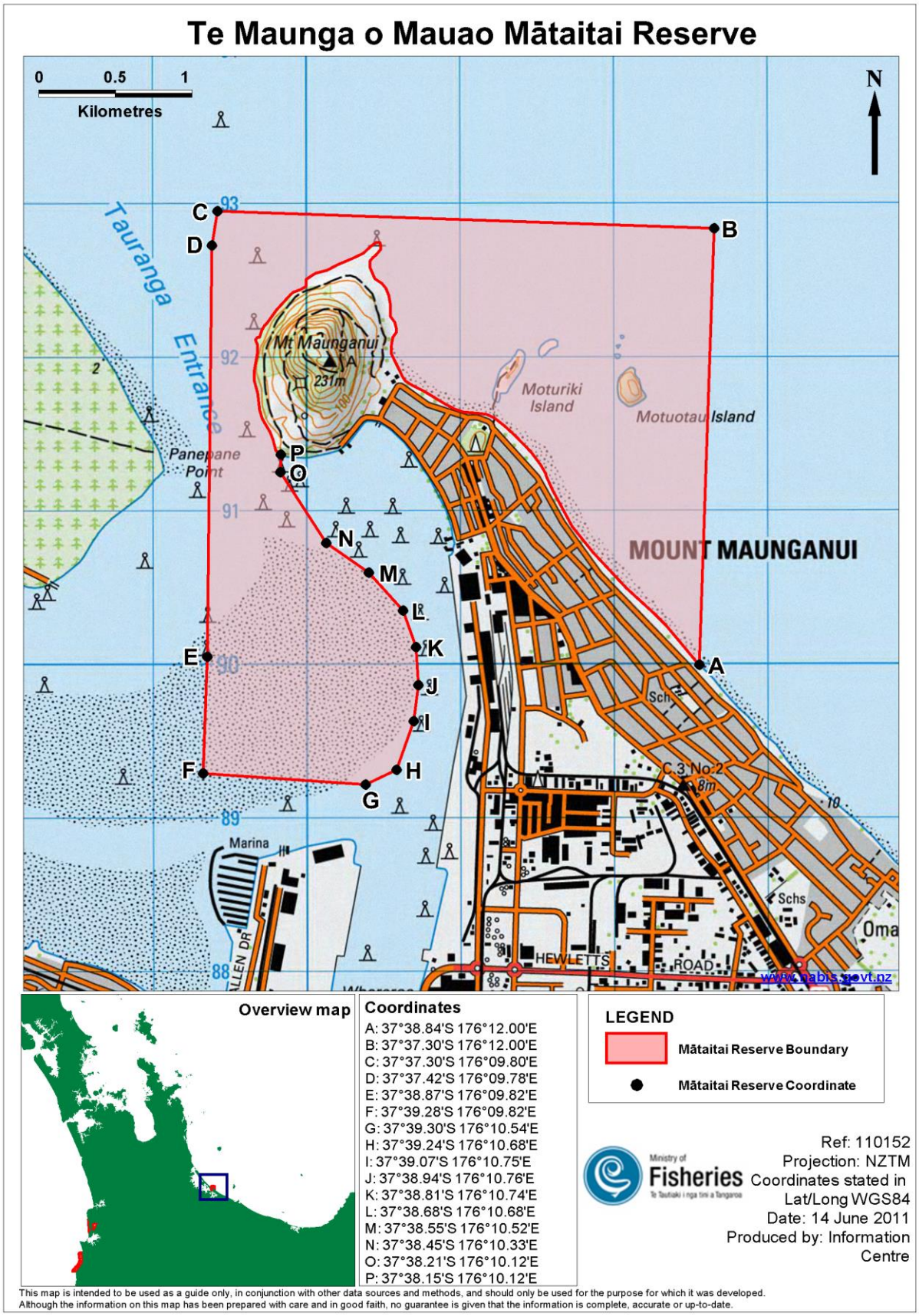


Figure 7. Te Maunga o Mauao Mātaitai Reserve 2008

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.

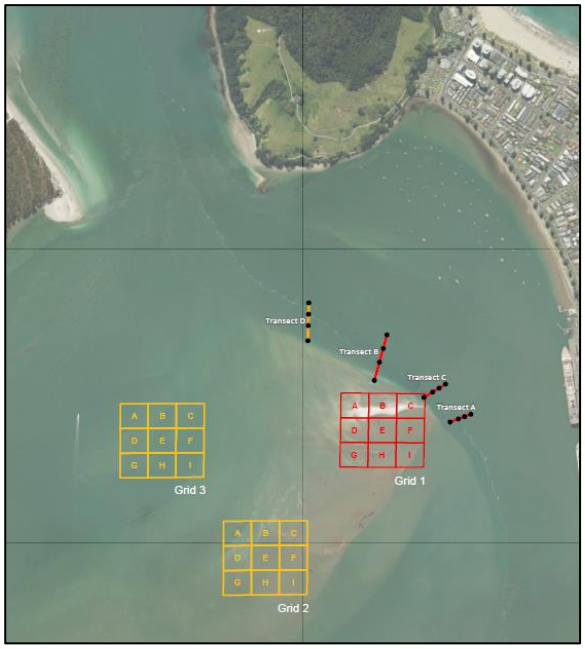


Figure 8. Grid 1 in Red – Te Paritaha Pipi Monitoring Survey Design by Boffa Miskell 2023 Report

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.**

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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.

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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.

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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 8[1] 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 pūkenga[2], 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 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, 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 RNRP 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 RNRP 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.

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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.

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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.

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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 in[3] 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 current[4] 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.

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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.

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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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