

## MPI advice on Fast-track Listed Project Application

<b>Application name</b>	Capital and Dredging Maintenance Reconsenting Project
<b>Application number</b>	FTA 186
<b>Applicant</b>	Port of Tauranga
<b>Whether the application will be ineligible under Clause 18 of the FTA Bill</b>	See below for comment from our fisheries team.
<b>Other authorisations that may be required from MPI</b>	No
<b>Aquaculture settlement considerations</b>	The application is not located within an aquaculture settlement area established under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or within an area reserved for aquaculture within an individual iwi settlement.
<b>Fisheries settlement considerations</b>	<p>The application area is within the rōhe of Ngai Te Rangi, Ngāti Pūkenga and Ngāti Ranginui. Treaty settlements have been concluded with all three iwi.</p> <p>Customary fishing is managed by the three iwi under the provisions of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 which were made to give effect to Fisheries Treaty Settlement agreements. Customary fishing and management of important customary fishing grounds can only be conducted under these regulations.</p> <p>The Tauranga Moana Iwi Customary Fishing Committee, representing the three iwi, applied for and were granted a mātaihai reserve in the waters surrounding Mauao and the offshore Islands. The Committee have established bylaws over the area to manage the mussel fishery in the mātaihai reserve. They have the authority to request bylaws to manage any other species of fish that is managed under the Fisheries Act 1996, such as the pipi and cockle fisheries which are found in the mātaihai reserve.</p> <p>The proposed dredging and spoil dumping areas overlay part of the mātaihai reserve (see map). We understand from the application, the effects on fisheries and the ecology and geophysical characteristics of the Harbour are currently the subject of court action between the applicants, iwi, and others over existing consents to dredge the channels.</p> <p>Representatives of Ngai Te Rangi have inquired in the past over the possibility of changing the site of the mātaihai reserve because of changes to the sand banks in the Harbour that they consider has occurred because of existing dredging.</p>

	<p><b>Section 18 of the Fast Track Consents Bill</b></p> <p>We understand delegated Ministers have decided to extend the provision of section 18 to include applications that affect mātaihai reserves, taiapure and areas managed by customary fisheries bylaws.</p> <p>We understand section 18 would apply to these instruments on the same basis as currently applies under section 18 (c) to customary marine title areas, i.e., the application would be ineligible for consideration under the fast-track process if it has not been agreed to in writing by the holder of the relevant customary fishing instrument.</p> <p><b>Consideration of the Application</b></p> <p>If the application is eligible for the fast-track process, then consideration should be given to the likely impacts of dredging and spoil dumping on the shellfishery and the sandbanks where the fishery is located. An application that affected the ability of hapū/iwi to exercise customary rights or which affects the Fisheries Treaty settlement would require careful consideration in relation to Treaty obligations. We would recommend consulting the Tauranga Moana Iwi and hapū to understand the possible impacts of the application (eg for particular customary fishing locations).</p>
<b>Impacts of a project on Māori development and PSGE priorities</b>	Note as above – has the potential to impact both.
<b>Other considerations</b>	

*Disclaimer: This advice has been developed to support MfE advice to the independent Fast-track Projects Advisory Group and is not intended to provide comment on the merits or viability of the application.*