

MPI advice on Fast-track Listed Project Application

Application name	Stella passage development project
Application number	FTA072
Applicant	Port of Tauranga
Whether the application will be ineligible under Clause 18 of the FTA Bill	No
Other authorisations that may be required from MPI	No
Aquaculture settlement considerations	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.
Fisheries settlement considerations	<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 adjacent to the reclamation area.</p> <p>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>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 (e.g., for particular customary fishing locations).</p>

Impacts of a project on Māori development and PSGE priorities	
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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.