

**HOLLAND BECKETT**  
L A W

23 December 2020

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WELLINGTON 6160

BY EMAIL  
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Attention Minister for the Environment

Tēnā koe Minister Parker

**COVID-19 Recovery (Fast-Track Consenting) Act 2020 - Port of Tauranga Stella Passage Wharves and Dredging Project - Request for Further Information**

1. Thank you for your letter dated 18 December 2020 in which you requested further information under Section 22 of the Act regarding potential adverse effects on marine mammals and significant shorebird roosting areas, actions taken to address non-compliances with consents and the receipt of Cultural Impact Assessments.
2. Port of Tauranga Limited's response to these issues is attached at Appendix A. We also attach at Appendix B the Draft Cultural Impact Assessment recently received from the Tauranga Moana Iwi Customary Fisheries Trust. The Trust has given Port of Tauranga Limited permission to share the assessment with you.
3. We trust that our response answers your queries, but please let us know if we can assist further.

Ngā mihi  
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# Appendix A

## Port of Tauranga Limited Further Information Response – Stella Passage Wharves and Dredging Project

### 1. Details on the potential adverse effects the project will have on marine mammals and the shorebird roost

#### Marine Mammals

There are six marine mammal sanctuaries in New Zealand but none in the Bay of Plenty. Common Dolphins, Bottlenose Dolphins, Orca and Fur seals are reported in the Bay of Plenty area, but they are more commonly found outside than inside the harbour. The Common Dolphins, Bottlenose Dolphin and Orca habitat is known as Coastal and Oceanic waters<sup>1</sup>. Fur seals tend to be found on rocky shorelines<sup>2</sup> and as such the nearest location is around the base of Mauao.

Potential effects on marine life and ecosystems have been assessed by the University of Waikato for the proposed development. The focus of the assessment is on those items of discretion in the Regional Coastal Environment Plan (RCEP), and concerns raised by local Iwi during consultation.

Under the RCEP, Rule PZ8 covers the construction of the wharf and the effect on marine mammals is not an item of discretion. However, Rule PZ10 covers the dredging associated with the proposed development and the effects on marine life and ecosystems are a matter of discretion.

During the Port's capital dredging consent hearing in the High Court in 2010, the effects on dredging on marine mammals were not raised as a concern by any party. The capital dredging programme in 2015 removed more than six million cubic metres of material from the shipping channels. During this time, there was cultural monitoring conducted 24 hours a day, seven days a week from on board the dredge and there were no issues during the year-long dredging campaign.

Any effects on marine mammals associated with the proposed development would be expected to be due to noise disturbance associated with pile driving 284 piles. Pile driving will be restricted to the hours of 7:30am to 8:00pm Monday to Friday and 9:00am to 7:00pm Saturday. The physical driving of the pile will be carried out using a 9 – 14 tonne steel drop weight, suspended by a crane, that free falls to provide impact force. The piles are steel tubes up to a meter in diameter and driven between 3 and 20 meters into the existing sediment. The method is a repeat of that carried out in 2013 but with shallower founding depths and therefore less pile driving.

#### Shorebird Roost

The sand pile to the south of the Sulphur Pont site is often used by shore birds and migratory sea birds. The proposed development will see the sand pile retained.

Under the Regional Coastal Environment Plan, Rules PZ8, PZ10, PZ11 cover the wharf construction, dredging and associated reclamation with the proposed development. The effects on avifauna are not an item of discretion. However the Port, after consultation with Iwi, had Wildlands assess the effects of the proposed development on birds.

The shorebird roost at Sulphur Point occurs within an active sand pile operation, with the sand recycled for the nourishment of beaches around the Tauranga Harbour and for Port development. The sand pile is replenished with sand sourced during maintenance dredging and pumped ashore.

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<sup>1</sup> Project Jonah, Teacher Resources, Facts about Dolphins & Whales

<sup>2</sup> DOC, Facts about New Zealand fur Seal

The Port currently limits activities on the sand pile in the months of September through to mid-March to allow breeding and roosting to occur without physical disturbance of the birds. The sand pile operation is located within the Port operation area. This means the sand pile enjoys the protection of the Port's predator control regime, but is subject to the continual disturbance of nearby port activity. Directly adjacent to the sand pile is an empty container yard with containers stacked up to eight containers high. The heavy machinery operating in these yards are a source of frequent noise pollution from engines revving, hollow booms, scraping, grinding and banging associated with empty steel containers being handled and repaired. The Wildlands report accounts for the various species of birds currently using the sand pile. The Wildlands report considered that the birds roosting or breeding will be subject to significantly higher levels of activity and noise (including pile driving) associated with the proposed development. The species' responses to the wharf construction are uncertain, but it was thought many species' may prove to be relatively tolerant. Given the uncertainty it is possible that effects may occur, and some proportion of birds will move elsewhere to breed and roost. However, the disturbance is short term and it is predicted that use of the sand pile will be unchanged from previous levels once wharf construction is complete.

The sand pile, due to being a live operation, has undergone significant changes in the past. The Wildlands report considered the effect of relocating or altering the sand pile and predicted this would have less than minor effects, if done outside breeding season and maintaining a similar size and form.

The increased vessel activity within Stella Passage was seen as unlikely to disturb birds at the sand pile, as they are accustomed to regular boat movements.

## **2. Details of actions to address past non-compliance issues, and actions taken to ensure consents are complied with in the future.**

Port of Tauranga has implemented a vast number of mitigation measures and actions to address past non-compliances associated with the enforcement documents identified in the application. Details of these mitigation measures and actions are detailed below:

### **Abatement notice RA19-00124**

Abatement notice RA19-00124 was issued on 19 December 2019 by the Bay of Plenty Regional Council in respect to non-compliant suspended particulate matter concentrations discharged to air and beyond the Port boundary in excess of Rule 17(e) of the Bay of Plenty Regional Air Plan.

The excessive discharge of particulate matter was associated with the cleaning of large hoppers utilised for the unloading of granular cargos from vessels to shore, these hoppers then discharge product into trucks which deliver the product to off wharf storage facilities.

These hoppers are washed at the dedicated hopper wash facility individually. On the day of the identified non-compliance, high winds gusting 20-28 knots caused product which had stuck to the sides of the hopper to become airborne while the four hoppers were moved, stored and washed at the hopper wash area. The airborne product then discharged beyond the port boundary into the adjacent KiwiRail yard. The volume of product stuck to the sides of the hoppers was significantly greater than normal due to intermittent rainfall that had occurred during product unloading which caused 'caking' of product to the internal surface of the hoppers.

The risk of future non-compliance of this nature was evaluated as low, however, to mitigate the risk of future incidents of this nature, the Port has changed hopper washing procedures during high risk conditions, namely at times of elevated wind speeds. This entails that hoppers are not moved and stored in bulk prior to washing, rather one hopper is moved immediately into the hopper wash and receives wetting down straightaway to suppress dust, the next hopper is moved to the hopper wash once the first has been cleaned and moved from the area.

In addition to the procedural changes, the Port installed 160 metres of eight metre high wind fence along the boundary with the adjacent KiwiRail yard. This wind fence filters larger air borne particulate and aids settlement of particulate by acting as a wind break.

In addition to the above, the Port continuously works to improve air quality associated with Port activities. Recent works have included yard realignments, increases in vacuum sweeper truck hours and efficiencies, identification and correction of port user behaviours which cause excessive air borne particulate generation and use of water suppression technologies where possible. Recent monitoring has seen significant improvements in particulate concentrations in air associated with Port activities. Further information in regards to these improvements can be supplied on request.

#### **Abatement Notice RA18-00055**

Abatement Notice RA18-00055 was issued on 24 August 2018 by the Bay of Plenty Regional Council in respect to a non-compliant stormwater discharge due to an elevated suspended solids concentration in stormwater. This stormwater originated from an area of the wharf being used to handle and load logs onto a vessel by a port user. This notice was cancelled under section 325A of the Resource Management Act 1991, following appeal by the Port, and was replaced with a formal warning for a "possible" non-compliant stormwater discharge.

Following a potential non-compliance being raised by Bay of Plenty Regional Council, the Port identified and commissioned multiple mitigation actions to address future compliance and adverse environmental risk, including:

- Amendments to the Port's rules to require port users undertaking log loading activities to undertake routine vacuum sweeping and cleaning in their work areas to manage stormwater quality. Sweeping frequencies vary dependent on the type of log loading undertaken. Log loading that results in greater accumulation of material on the wharf surface requires vacuum sweeping at least every four hours
- Obstacles including portable buildings and equipment have been removed from the wharves to enable better cleaning and vacuum sweeping of the area,
- Additional vacuum sweeper trucks have been engaged by both the Port and port users, these are now active within the Port stormwater catchment area
- The appointment of a new FTE position - Bulk Cargo Co-ordinator

The Bulk Cargo Co-ordinator was created to ensure port users are undertaking their required housekeeping to acceptable standards in designated work areas day to day. This person also identifies areas in need of further housekeeping resources and directs contractors of the Port to undertake clean-up of these areas whilst also overseeing and co-ordinating the routine works of the Port's contracted vacuum sweeper truck providers.

At the time of the serving of the abatement notice, the Port was actively progressing an application for resource consent to authorise the discharge of stormwater from the Mount Maunganui Wharves catchment to Tauranga Harbour. This consent was granted on 7 June 2019. Extensive monitoring of

stormwater discharges undertaken since this time indicate that the stormwater discharges comply with stormwater quality parameters prescribed by the consent.

#### **Abatement Notice RA17-00068**

Abatement Notice RA17-00068 was issued on 28 August 2017 by the Bay of Plenty Regional Council in respect to a non-compliant stormwater discharge from the Sulphur Point container terminal due to an elevated suspended solids concentration which exceeded the maximum concentration specified by the associated resource consent.

Following the issuing of the notice, stormwater management practices were reviewed and amended, including:

- Immediate increase in vacuum sweeper hours to enable better removal of contaminants, including particulates, from the catchment prior to rainfall events,
- Increase in visual inspections of the stormwater catchment to assess ground condition and identify areas in need of additional housekeeping,
- Review of the stormwater treatment system,
- Investigations into the correlation between suspended solids concentrations and turbidity in stormwater,
- More frequent desludging of the stormwater first flush treatment pond
- Replacement of asphalt with concrete pavement in areas identified as high impact and frequently failing/deteriorating.
- Increased monitoring and sampling of stormwater and the receiving environment, and
- Further assessment of stormwater risk in the catchment.

Following the review of the stormwater treatment system and assessment of the stormwater risk in the catchment, significant upgrades to the stormwater network were installed, including:

- Installation of a surface weir to the stormwater first flush treatment pond to retain gross solids and hydrocarbons in the rare event they should be present in the stormwater,
- The installation of a water level sensor and turbidity probes in the stormwater first flush treatment pond to undertake live monitoring of the stormwater pond and stormwater discharge quality,
- The inclusion of a floating decant to the stormwater first flush pond fitted with an automated valve controlled by turbidity level to ensure water from the first flush pond is only discharged following sufficient settlement occurring (this work was guided by a successful investigation of suspended solids and turbidity correlation which showed moderately strong correlations between the two parameters)
- The upgrading of stormwater isolation valves involving the inclusion of powered engagement/disengagement of the valve (as opposed to manual operation of the valve) followed by remote automation of the valves to enable valves to be controlled from off site.

Monitoring and sampling undertaken by the Port and Bay of Plenty Regional Council has not identified any subsequent repeat non-compliances from this stormwater discharge.

#### **Abatement Notice RA17-00063**

Abatement Notice RA17-00063 was issued on 14 August 2017 by the Bay of Plenty Regional Council in respect to non-compliant discharge of contaminant to land, namely phosphate rock, in a manner

that may cause a discharge of a contaminant to water. This discharge was not expressly allowed by a regional rule or other legislative or regulatory article. This unloading was being undertaken by a port user who was also subject to enforcement action from the Bay of Plenty Regional Council.

The unloading of granular cargos directly onto the wharf rather than to a hopper at this time was uncommon and was only utilised for phosphate rock as the density of this product made it difficult to handle through a hopper. However, following enforcement actions being taken against multiple parties, the practice of unloading products directly onto the wharf has all but ceased, to ensure compliance can be maintained. The abatement notice was cancelled on 22 March 2018.

Some smaller scale vessel loading operations placing product directly on to the wharf have been undertaken since this time. However, strict controls and mitigation are undertaken to ensure the risk of adverse effects on the environment is sufficiently minimised; including:

- Ensuring activities are not undertaken at times when there is risk of rainfall,
- Ensuring that a sufficient buffer between the work site and the wharf edge is maintained and that buffer area is free of product,
- Volumes of product on the wharf do not exceed one truck load at a time so quick clean up can be achieved if required,
- Gaps between the vessel and the wharf edge are covered to prevent any accidental or incidental spillage of product into the harbour,
- Site management ensures that product is not tracked beyond the product footprint, and
- Intensive vacuum sweeping of the affected area is undertaken following the operation to remove any residual product.
- Intensive vacuum sweeping is undertaken during the operation if required.

All parties wishing to undertake this work now require prior approval from the Port, which reviews the work plan and proposed environmental management plan alongside Bay of Plenty Regional Council prior to authorisation being given.

### **3. Details on Cultural Impact Assessments**

Port of Tauranga recognises that resource constraints are an issue for Iwi in responding to development proposals. The Port has offered resources (financial and/or technical support) to assist Iwi, and this has been accepted in various forms. It is important to Port of Tauranga that Iwi concerns and recommendations are heard and addressed through the resource consent application process.

The Port is still actively consulting and working towards getting Cultural Impact Assessments (CIAs) or agreements with Iwi, and progress has been made. On the 9th of December the Port received a draft CIA from the Tauranga Moana Iwi Customary Fisheries Trust. The TMICFT represents the three Iwi of Tauranga Moana and is mandated to deal with the sustainability of customary fisheries in the area of the Port's proposed development. The CIA provides a record of the cultural values relative to the potential impacts of the proposed port developments. The Port has responded with proposed mitigation measures to the concerns and recommendations raised, and awaits feedback and a final version of the CIA from the TMICFT. The draft CIA is attached.

Other parties have been promising to complete CIAs or provide a comprehensive list of issues and recommendations for many months, but to date we have not received them.

We are confident that the remaining CIAs will be forthcoming and we hope that acceptance into the fast track process will give some urgency and priority to them. There are considerable benefits to New Zealand from the proposal, and it needs to be considered with urgency if we are to avoid exacerbating the current supply chain constraints.

#### **4. Further Developments**

Congestion in Upper North Island ports in recent months has highlighted a lack of resilience and capacity in the supply chain. Bottlenecks at Ports of Auckland caused by staff shortages and its delayed automation project has caused significant flow-on effects to Port of Tauranga and the rest of the New Zealand logistics network.

Port of Tauranga has identified that current and future capacity requirements can be met through the construction of the additional berth at Sulphur Point and associated dredging. Auckland's issues have highlighted the need and urgency to progress this development. It is essential to New Zealand's economy that we maintain an efficient freight gateway for imports and exports.

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the Official Information Act 1982

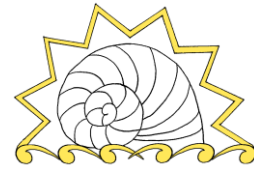
Appendix B



Te Rūnanga o Ngāi Te  
Rangī Iwi Trust



Ngāti Ranginui Iwi



NGĀTI PUKENGA KI  
TAURANGA TRUST

**Cultural Impact Assessment  
Tauranga Moana Iwi  
Customary Fisheries Trust**



**DRAFT**

**Stella Passage Development  
Resource Consent Application  
Submitted to the Port of Tauranga  
December 2020**



## 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 te waka ē.

Ko Awanui te awa e riporipo ana mai nei.

Ko Mauao te maunga tohu e tū rangatira mai ē.

Ko Tauranga Moana ko Tauranga Tāngata.

Tihei mauri ora!

Released under the provision of  
the Official Information Act 1982

## Executive Summary

The cultural impact assessment (CIA) is prepared on behalf the Tauranga Moana Iwi Customary Fisheries Trust (the Trust) to provide a cultural assessment of any actual and or potential cultural impacts of the proposed Stella Passage Development resource consent application by the Port of Tauranga.

The proposal's purpose is to enable the Port of Tauranga to accommodate growth in cargo and vessel sizes while also catering for projected export and import volume in the future (Port of Tauranga, 2020).

The Trust have been discussing the proposed Stella Passage Development resource consent with the Port of Tauranga as a form of engagement with a local Tauranga Moana iwi group mandated to ensure the sustainability of customary fisheries in the rohe moana of Tauranga.

To provide a formal response from the Trust regarding this resource consent application, the cultural impact assessment (CIA) has been provided by Kia Maia Ellis. This is to highlight the relationship of the Trust with the defined area and to ensure key concerns in relation to the proposal are addressed with the applicant.

This CIA highlights the customary relationship of Tauranga Moana Iwi to Tauranga Harbour and provides descriptions of the cultural impacts, issues and concerns. This includes recommendations and conditions that the Trust would support as part of the resource consent.

The Trust works to ensure that the best management practices and Māori engagement are applied to all port related dredging, maintenance and development activity.

Through meaningful engagement the Trust appreciates being fully informed of all matters relating to port activities in this area of interest. The information within this CIA may only be used for the purposes of the relationship between the Trust and the Port of Tauranga. Any further dissemination of the CIA must be authorised by a mandated representative of the Trust.

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## Cultural Impact Assessment Project Team

The Trust have appointed Kia Maia Ellis to be responsible for the completion and delivery of this CIA as the primary report writer. She is experienced in a professional capacity in both mātauranga Māori and environmental science. She currently holds a Bachelor of Applied Science (Environmental) and a Masters in Māori Studies and has worked in the resource management field for over ten years.

TAURANGA MOANA IWI CUSTOMARY FISHERIES TRUST	NAME
Author of assessment	Kia Māia Ellis
Ngāti Pūkenga Representative and Chairperson	Rehua Smallman
Ngāti Ranginui Representative	Tū Piahana
Ngāi Te Rangi Representative	Penetaka Dickson
The CIA was drafted by Kia Māia Ellis and reviewed and discussed with Trust members listed above.	

## Scope of the Assessment

The Trust is mandated to deal with the sustainability of customary fisheries in the area of this application and has provided a record of the cultural values relative to the potential impacts of the proposed resource consent application.

The scope of services for this assessment is to;

1. To provide background information based on the relationship of the Trust to the area through historical information and customary fisheries.
2. To review the scope of literature and identify key points of interest to the Trust;
3. To assess any potential and actual impacts regarding the resource consent application;
4. To provide clear recommendations to address any issues in relation to potential cultural effects on the environment and the fishery.

## Methodology

The Cultural Impact Assessment report is made up of four key stages. Each stage contains components of research and discussion to achieve the objectives of the assessment.

### Stage 1 – Literature Review

The first role of research required an establishment of background information, and literature that influences the application. The following matters were reviewed as part of this assessment:

- a. Historical account of the three established Iwi in Tauranga Moana
- b. Review of the resource consent application
- c. Reference to the Tauranga Moana Management plan
- d. Outline of relevant legislation
- e. Review of additional forms of literature

### Stage 2 – Discussion Report

- a. A discussion document was developed for trust members to review outlining any key issues and concerns for them to discuss and begin developing recommendations for potential consent conditions.

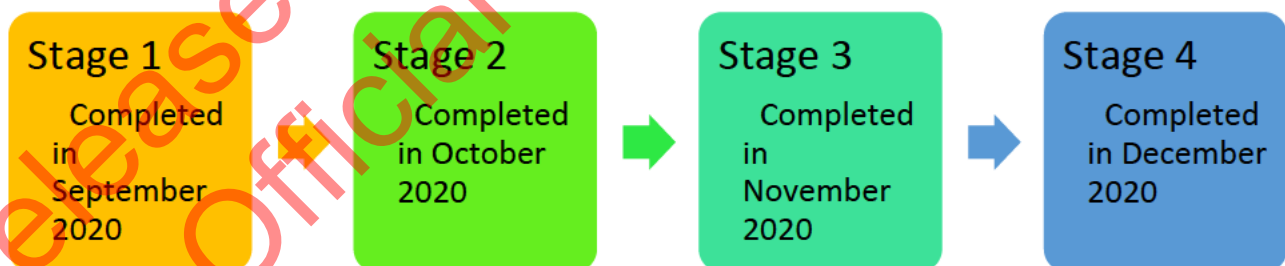
### Stage 3 – Workshop with Tauranga Moana Iwi Customary Fisheries Trust

- a. The discussion document was presented to trust members outlining any key cultural effects for trust members to discuss. Key concerns and potential recommendations were provided by Trust members.

### Stage 4 – Draft & Complete

- a. The draft report was developed based on the research and review work and incorporated trust members' feedback.
- b. The final draft report was presented to the Port of Tauranga for discussion and feedback.
- c. Final amendments based on the Port of Tauranga feedback was completed and the final CIA was submitted.

### Timeframe



## Description of Study Area / Location

The scope of proposed works covers a 385m wharf extension and 1.8ha reclamation at Sulphur Point, wharf extensions 530m north and 388m south of the Tanker Berth and a 2.9ha reclamation on the Mount Maunganui wharves. The associated extension to the shipping channel covers 14.4ha and involves up to 1,800,000m<sup>3</sup> of material of which 5.9ha and 800,000m<sup>3</sup> is already consented (Port of Tauranga, 2020).



Figure 1. Satellite image of proposed location

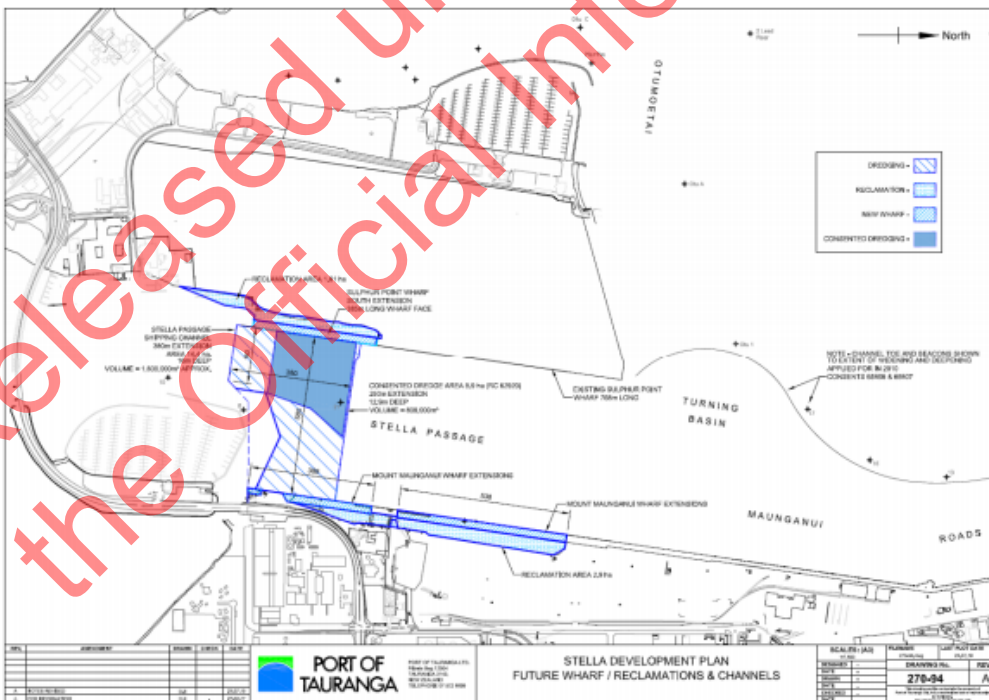


Figure 2: Proposed areas of berthage expansion and dredging

## Tauranga Moana Iwi Customary Fisheries Trust

The priorities of the Trust are the management, protection and enhancement of kai moana on behalf of the whānau, hapū and iwi of Tauranga Moana within the area known as “Mai i ngā Kuri a Whārei ki Wairākei”. This gazetted Rohe Moana includes Te Awanui, Tauranga Harbour and extends out to the offshore islands of Mōtiti and Tūhua (see figure 1).

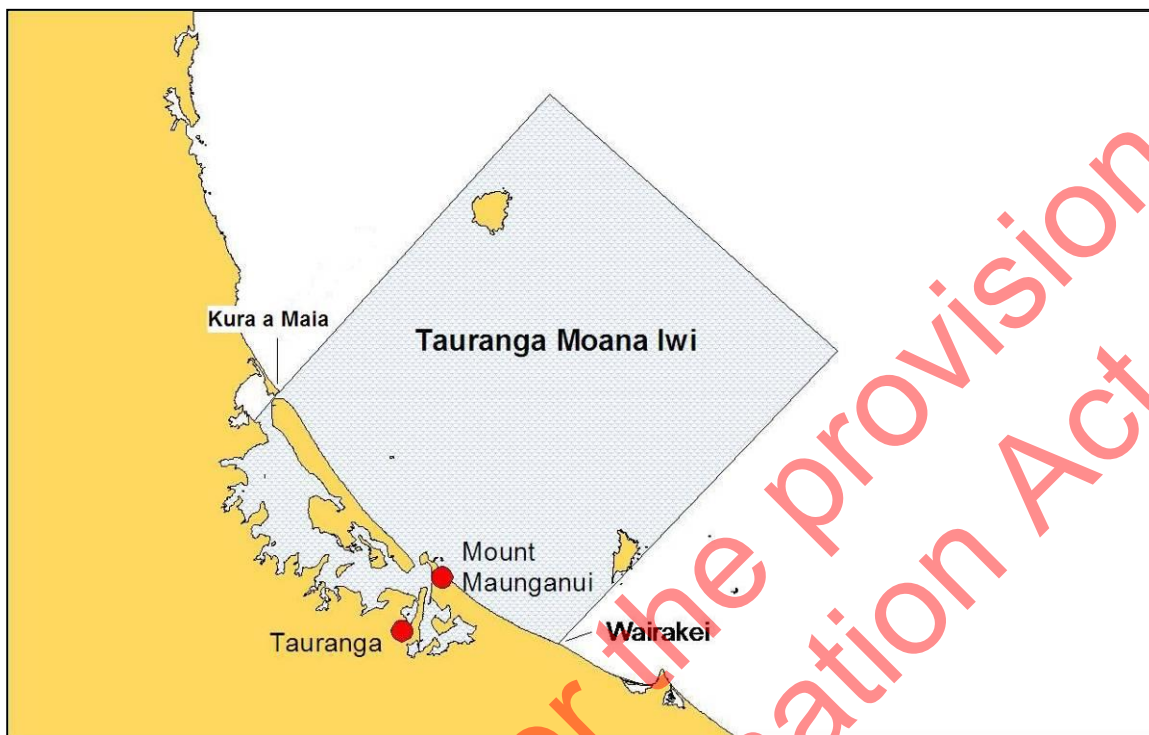


Figure 3. Gazetted Rohe Moana of the Tauranga Moana Iwi Customary Fisheries Trust

The established rohe moana and Tangata Kaitiaki are responsible for customary fisheries activity for the taking of kaimoana under the Kaimoana Regulations. The Trust primarily operates alongside the Ministry of Fisheries under the Fisheries (Kaimoana Customary Fishing) Regulations 1998 and has been in operation since 1999.

A customary fisheries management tool that has also been implemented by the Trust is the Mātaitai Reserve around Mauao that is regulated through mātaitai reserve bylaws.

As a result of improved relationships with the Port of Tauranga, the Trust have implemented the Kaimoana Restoration Plan in partnership with the Port of Tauranga which contracts Manaaki Te Awanui to adopt shellfish monitoring methods that incorporate mātauranga Māori. This currently consists of the monitoring of pipi in Te Paritaha, and pāua, kina and kuku (green lipped mussels) within the mātaitai reserve. Through the monitoring of taonga kaimoana within this area, the Trust has the ability to make informed decisions regarding customary fisheries management and potential kaimoana enhancement projects.

### **Mātaitai Reserve**

The purpose of the Mātaitai Reserve is to sustainably manage kai moana health and populations within the specified area outlined in Figure 4. Tāngata Kaitiaki of the Mātaitai Reserve act on behalf of three Tauranga Moana Iwi to sustainably manage customary fisheries and must therefore act upon initiatives to achieve this on behalf of Tauranga Moana Iwi.

Te Maunga o Mauao Mātaimai Reserve was established in November 2008 with the purpose to enable better fisheries management of kai moana for customary purposes. Tāngata Kaitiaki of the reserve have the power to establish bylaws to manage the catch limit, size limit, and method of catch for any species within the reserve with the Minister of Fisheries endorsement. The Mātaimai Reserve is an important achievement as this is the only kai moana gathering place in the region that contains a variety of taonga species that are not readily found throughout Tauranga including; pāua, kina, kuku (green lipped mussels), pipi and koura (crayfish).



Figure 4. Map of the Mātaimai Reserve



## Tauranga Moana Iwi

Tauranga Moana Iwi are a pan tribal group of descendants of Ngāti Ranginui, Ngāti Te Rangi and Ngāti Pūkenga Iwi, connected by whakapapa and connected by the moana that embodies the cultural wellbeing of its people. Tauranga Moana is a taonga, a source of identity, a life source and a food basket for our people. Tauranga Moana Iwi are anchored and steeped in the history of Mauao, another key identifying feature of its people.

As a pan-tribal entity the Tauranga Moana Iwi Customary Fisheries Trust seeks to support restoring, improving and protecting the mauri of Tauranga Moana to return it back to its healthy and abundant state.

### Cultural Values

*These are the guiding values of the Trust:*

#### **Kaitiakitanga**

*The guardianship of resources, preferring and promoting the best practices, pursuing quality and ensuring sustainability as tāngata kaitiaki (stewards) of the moana and all its life forms.*

#### **Oranga**

*That the welfare and sustenance of all living things be maintained at a level that is consistent with sustainability.*

#### **Wairuatanga**

*The spiritual world is an important part of reality which must be accommodated on a day to day basis, even when it conflicts with the 'rules' of business or institutional behaviour.*

*Sustaining the life force of the moana as an element that permeates through all living things.*

#### **Aroha**

*To show care, love and respect for ngā tangata and the moana and all its life forms.*

#### **Mātauranga**

*To express and impart the knowledge of our ancestors and the traditions that have transcended down alongside knowledge gained from the modern world.*

#### **Awhina**

*To give assistance and care to help others to ensure that safety and health are not compromised.*

#### **Mahi tahi**

*The value of cooperation, meaning that we will work together to share knowledge, accept advice and utilise the collective skills of others willing to assist and produce better outcomes.*

## Areas of Significance

The map below shown in Figure 6 shares some of the traditional place names of nearby areas of significance to local Iwi and Hapū. Some of these were named in connection to the fishing grounds within the moana adjacent to the sites. These names have often been replaced and forgotten since colonisation, Public Works land taking, and urban and industrial development.



Figure 5. Photo by Alf Rendell c 1950's

### Mauao

Mauao anchors the identity and the culture of Tauranga Moana Iwi. Mauao also sustains a shared pātaka kai, a source of kaimoana that continues to support the marae of Tauranga Moana hapū and whānau. The customary fisheries Trust administers the mātaitai reserve that surrounds Mauao.



Figure 6 Map of traditional place names

### Tūparehuia

Tūparehuia is a fishing ground along the harbour shoreline north of Te Awa o Tukorako that was known as a rāhui kahawai.

### Te Maire

This was once a special tāmure (snapper) fishing ground that no longer exists due to port development.

### Te Awa o Tūkorako

Once a significant waterway with a diverse ecology abundant with tuna (eels) this place was utilised as a traditional food supply. Within this wetland area there were waahi tapu sites and temporary camps for seasonal harvesting. The waahi tapu named Horoipia, was where warriors would wash their spears after battle. The waterway of Tukorako was filled in for development and no longer exists.

### Te Roto o Takuna

Within the Te Awa o Tūkorako block was an eel weir named Te Roto o Takuna that was used as a pātaka kai (food storage) area. Eels that were caught and placed into the weir and kept live for later use.

## Waipū

Waipū is a pātaka kai (food basket) that has been impacted by sedimentation and mangroves predominantly caused by the Harbour Bridge causeway that blocks the natural flow of the channel that once cleansed Waipū.



Figure 7. Taumata Kahawai, Tauranga Heritage Collection

## Te Papa and Otamataha Pā

Otamataha Pā was one of the largest and most important pā located within Te Papa in the Tauranga region. Figure 7 is an old photograph that shows the location of Te Papa and Otamataha prior to the development of Tauranga City. The leader of the kainga Otamataha (settlement) was the rangatira Koraurau. Coastlines to the north and the south provided access for waka to the once abundant harbour resources. Defensive earthworks provided shelter from pre-musket warfare.

"It was thought the pā could have stood for several hundred years but in April 1828 Hauraki tribes attacked and overwhelmed the pā. They were only able to succeed as the pā was not designed to protect itself from musket attack" (Ken Phillips, 2017).

Following this attack, Otamataha was deemed tapu (sacred ground). Those that fell in that battle were buried but where the 500 - 700 casualties were buried is still unknown.

Hori Ngatai and Rawiri Puhirake are both buried there along with others following the battles of Pukehinahina and Te Ranga.

## Taumata Kahawai

From Taumata Kahawai within Otamataha pā, the people could view the kahawai run through the harbour which indicated a good time to fish. The harbour was incredibly plentiful in the 1800's so seeing the kahawai run through the harbour would have been extraordinary.

## Te Paritaha

Te Paritaha pipi bed has been a traditional harvesting ground since before European settlement in Tauranga. It is still frequently used by Tauranga Moana marae to gather kaimoana for tangihanga and other important marae occasions. Today in comparison to other pipi beds in Tauranga Harbour, Te Paritaha is a large healthy pipi bed as it has the benefit of regular tidal flushing. The tidal flushing assists with lowering sedimentation levels that impact upon the health of the inner harbour pipi beds.

## Whareroa

Whareroa was once a significant Māori land block of Ngāi Tukairangi and Ngāti Kuku on the Maunganui peninsula. The impact of the Public Works Act and land takings severed the connection of the Whareroa community to significant ancestral lands, water, site, waahi tapu and other taonga. Whareroa marae is now ringfenced by industry, the airport, heavy traffic, and the Tauranga Harbour Bridge.

“There is no buffer zone between industry and this residential area, and the community who live here are exposed to the air and visual pollution that comes with these activities. About 80 people reside at Whareroa permanently and they are concerned about the growth and expansion of this industrial area, the effects on their people and the wider community and the impact it has on their cultural practices.” (Bay of Plenty Regional Council, 2020).

## Cultural Engagement

The Trust appreciates the early engagement that the Port of Tauranga has applied with Iwi and Hapū to have early discussions on potential cultural impacts associated with the proposed application. This has enabled further investigation into those topics raised by Iwi and Hapū to be carried out within the assessment of environmental effects.

1. The Port of Tauranga met with the Trust back in September 2019 where the following points were discussed.
  - Potential issues such as the new structures being hosts for invasive species, and the loss of bird habitat was raised. The disruption alongside existing koura (crayfish) habitat was also noted.
  - Rowan summarized the other Iwi and Hapū parties being engaged with on the proposed works and asked how best the Trust and the Port can progress engagement on the developments.
  - The Trust suggested that its members discuss the proposed project internally and come back to the port on how best to move forward.
  - The role of Cultural Monitoring on the dredge was touched on. Noting that the Trust successfully undertook this function in the recent capital dredging.
2. The Trust met internally in October 2020 to confirm development of a formal response to the proposed resource consent application.
3. The Trust met internally in November 2020 to discuss the recommendations that were being prepared for the cultural impact assessment and discuss feedback from Trust members.
4. The Trust met internally to discuss the final draft of the CIA (to be completed 18<sup>th</sup> December)
5. The Trust met with the Port of Tauranga to discuss the final draft and include feedback. (to be completed).

## Cultural Assessment of Effects

### Kaitiakitanga

The Trust actively promotes and carries out its role in kaitiakitanga to sustainably manage important customary harvesting areas throughout Tauranga Moana. This includes the management and harvesting levels of marae throughout the Tauranga rohe moana. The Trust also facilitates the management of the Mātaitai Reserve, supports research, enhancement, and monitoring of all activity that has the potential to harm the sustainability of kai moana.

When dealing with issues around the preservation and sustainability of the environment, one of the core principles; kaitiakitanga is primarily adhered to in maintaining these. Kaitiakitanga is an inherent obligation through whakapapa for tāngata whenua to operate as guardians over the environment.

Te Awanui and the surrounding coastal areas are viewed by tāngata whenua as a sacred entity, possessing its own mauri; the life essence that plays an integral role in maintaining intrinsic and metaphysic health with its purifying and life supporting qualities.

Through the CIA process and engaging meaningfully with the Port of Tauranga, the Trust has the ability to activate recommendations that support kaitiakitanga.

### **Legislative Review**

Through the principles of the Treaty of Waitangi and associated legislation such as the Resource Management Act 1991 (RMA91), the Trust is able to participate in meaningful engagement with the Port of Tauranga to ensure that the *iwi "relationship and our culture and traditions with ancestral lands, water, sites, waahi tapu, and other taonga"* are recognised and provided for (Section 6, Resource Management Act 1991).

There is potential for particular regard to be applied to *Kaitiakitanga* through recommendations made by the Trust to help mitigate any cultural matters that arise within the CIA. The Port recognises this through its own Environmental Policy which states "Recognising the role of local iwi and hapū in the moana and its surrounds"

The Tauranga Moana Iwi Management Plan (IMP) articulates the collective vision and aspirations of Ngāti Ranginui, Ngāi Te Rangi and Ngāti Pūkenga, in relation to Tauranga Moana. The vision is for Tauranga Moana Iwi and Hapū to work together and be actively involved in restoring and enhancing the mauri of Tauranga Moana.

The IMP also maintains policies to enhance the relationship with the Port of Tauranga as follows;

Tauranga Moana Iwi and Hapū to continue working closely with the Port of Tauranga to manage the effects of port activities on the cultural health of the harbour, in particular:

- a) Inner harbour activities and expansion of these activities.
- b) Changes to tidal flows, ebbs and flushes as a result of structures and/or reclamations.
- c) Dredging and disposal of dredge spoil.
- d) Water quality and pollution concerns.
- e) Biosecurity risks.

The resource consent application is consistent with the Outline Development Plan for the Port of Tauranga 2013 (Part 4, Section 9 of the Regional Coastal Environment Plan).

Policy CE 14B: Providing for ports Recognise the national and regional significance of the Port of Tauranga and the need for it to be located within the coastal environment by:

- (a) Safeguarding the capacity and efficiency of:
  - (i) Current port operations
  - (ii) Activities that have a functional need to be located in and around the port; Bay of Plenty Regional Policy Statement 143
  - (iii) The strategic road, rail and sea routes to the port; and
- (b) Providing, as appropriate, in the regional coastal plan, for future port operations and capacity; and

(c) Having regard to potential adverse effects on the environment, providing for the need to maintain shipping channels and to renew/replace structures as part of ongoing maintenance; and

(d) Avoiding activities in areas that may compromise port operations.

The Assessment of Environmental Effects (AEE) is a requirement of the Resource Management Act 1991 (the Act). Tauranga Harbour is regarded as significant for traditional history and identity for the three Tauranga Moana Iwi. The specialist reports informing the AEE were targeted to address the areas of cultural concern associated with the proposed works. Engagement with Iwi and provisions for a cultural impact assessment have been made by the Port of Tauranga.

## **Rerenga Rauropi – Biodiversity**

“The mauri of Te Awanui (Tauranga Harbour) and coastal areas are at risk of further degradation as a result of: Coastal use and development, including port activities, marina development, dredging, reclamation, structures as well as recreational activities.”  
(Tauranga Moana Iwi Management Plan 2016-2026)

The AEE states that the existing area to be dredged has relatively low biodiversity compared to the existing under wharf structures complex (predominately native) assemblages. It also predicts that the proposed wharves will quickly populate. The Trust would like the port to consider project work that would help to enhance biodiversity in the wharf structures by looking into what types of artificial structures support marine biodiversity.

Tauranga Moana Iwi have had longstanding concerns with increased sedimentation affecting biodiversity and kaimoana taonga species within Tauranga Harbour. Tāngata whenua believe that modification of harbour channels has caused incremental changes and impacts to inner harbour estuarine areas over time. Therefore, monitoring and managing the effects of sedimentation is extremely important during dredging activity. A large decrease in flow from the area being deepened may affect the immediate area with sedimentation. Modelling does not show any sedimentation effects to that already occurring further south.

The Tauranga Moana Iwi Management Plan Policy 10: Reduce the impacts of sedimentation on Te Awanui (Tauranga Harbour). 10.1 (e) Wetlands and riparian areas are restored and protected.

10.3 Encourage hapū and whānau to be actively involved in the development of sub-catchment actions plans.

Trust members are recommending that the Port supports hapū groups to restore coastal areas to a state that helps reduce sedimentation of the harbour while maintaining access for marae to their fisheries areas.

An abundant tuangi (cockle) population exists at Whareroa. The same water quality limits are being proposed as previous dredging campaigns and effects are expected to be negligible (AEE). Tuangi are known to be sensitive to fine sediments so any restoration work in this area, particularly led by tāngata whenua would be encouraged and supported by the Trust.

## **Kaitiakitanga and Cultural Monitoring**

Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga continue to recognise the role of both physical and intrinsic kaitiakitanga. This commitment is framed by a customary, traditional and historical relationship with Tauranga Harbour.

The resources of the harbour were once governed by traditional and customary lore which followed adherence to tikanga and kawa, for maintaining the sustenance of Te Marae o Tangaroa. Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga have an obligation to continue to recognise the role of cultural and spiritual guardianship passed on through whakapapa. Iwi and hapū continue to maintain a kaitiakitanga role within the control and management of the harbour (Fisher et al, 1997)

Tauranga Moana Iwi actively work together within the customary fisheries trust, while developing relationships with other organisations to respond to the effects of development that have the potential to impact upon the fishery.

A condition under the coastal permit 65806 included cultural monitoring appointed by the Trust during capital dredging works which was successfully carried out. During this time, one cultural artefact was found, a historic wooden waka bailer which now resides at the Whare Taonga in Mount Maunganui, a place for storing artefacts. The Trust recommends that cultural monitoring of this project is also carried out during dredging activity. Having a cultural monitor onboard to view the dredging process as another watch for the effects of sediment plume is a condition the Trust would like to pursue.

### **Te Paritaha – Centre Bank**

The most abundant harbour population of pipi reside in the renown Centre bank, Te Paritaha. This area has maintained a good spawning population of pipi for Tauranga Moana for many generations. The Trust continues monitoring and surveillance programs on Te Paritaha via the Kaimoana Restoration Plan which was developed under the Port of Tauranga capital dredging resource consent. There have been some changes to this pipi bed over time, however it is difficult to pinpoint the causes of those changes in comparison to natural changes that would also occur. Over the last few years, pipi harvesters have reported that the pipi populations are declining in Te Paritaha. The Trust will therefore continue to monitor populations whilst investigating further measures to ensure sustainability of Te Paritaha pipi. The Port continues to support this program.

### **Ngā Manu – Birdlife**

The Trust appreciates the investigations that have been done to ensure that any impacts on local birdlife have been minimised.

The rock wall inhabited by the red-billed gull colony shall not be dismantled during the breeding season. Leaving a section of rock wall to the south of the existing red-billed gull colony undisturbed is supported by the Trust and may also offer potential homes for Kororā (little blue penguins) that will be displaced during the works.

Monitoring of Kororā by the Western Bay Wildlife Trust showed that the 2019 breeding season did not go well. There has been a decline in the number of nesting kororā and chicks and eggs have disappeared from the monitored nests, likely to have been taken by predators. Reducing predation through a pest control plan could also help with reducing stress for kororā during this time.

The rock wall inhabited by Kororā shall not be dismantled during the breeding season. The Trust supports tangata whenua leading a role in the monitoring of Kororā and investigations on how to best relocate them prior to works being undertaken in this area. Tāngata whenua would also like to be part of the Blue Penguin Response Plan that will be developed prior to the dismantling of the rock wall to minimize any harm to kororā that may still be present during works.

During construction piles will be driven during set times to ensure nuisance noise is minimised.

## Marine Biosecurity

Biosecurity is referred to in the Tauranga Moana Iwi Management Plan 2016-2026 “Ecosystems are healthy and diverse and are protected from biosecurity threats, including pest plants, fish and organisms.”

The Port of Tauranga is a major import and export facility for New Zealand and its economy. For the year ended 30 June 2019, the Port of Tauranga moved approximately 26.9 million tonnes of cargo across its wharf of 15 ship berths. Tauranga Moana Iwi appreciates that the Port of Tauranga supports efforts to ensure that biosecurity incursions from shipping, ballast, logging, and container imports/exports are effectively controlled and managed.

The Port of Tauranga currently has 2,055m of linear berth face and 80m of Tanker berth on the Mount Maunganui side. Sulphur Point has an additional 768m of linear berth face (Port of Tauranga, 2020). A total of 2,903m almost 3 kilometres of artificial structure comprises the wharves of the Port of Tauranga. While coastal structures can support marine life and biodiversity, this is also attractive to invasive marine pests.

The Trust considers that the Port of Tauranga will investigate ways for new wharf structure materials that support biodiversity and attract ‘native’ marine life.

Research into the best materials and structure to attract local native marine species is something that the Trust supports. Port infrastructures such as seawalls, dikes, pontoons, can support ecological functions and biodiversity by enhancing construction materials properties, water retention, and habitat complexity (Lapinski et al.).

Supporting better habitat materials for wharf structures to eco-design coastal infrastructures could fulfil a significant role across the ports artificial habitat zones (wharves) restoring ecological functions within Tauranga Harbour. A project to monitor a living seawall that has been constructed on a Sydney seawall can be found here <https://www.dezeen.com/2019/01/31/volvo-living-seawall-pollution-biodiversity-design/>.



## Conclusion and Recommendations

Provided that the following recommendations are considered by the Port of Tauranga, the Trust is supportive of the proposed Stella Passage Development Resource Consent Application.

The Trust has reviewed the other options noted within the AEE report. The 'do nothing' or 'delay application' approach resulting in a congested waiting time for ships sitting on our coastline is not a situation tāngata whenua would appreciate. Further intensification of the harbour's edge and any reclamation within the proximity of Te Paritaha would not be supported by the Trust. The Trust would also not support the other locations listed for any proposed new wharf developments at Te Puna, Matakana or the Centre Bank. The proposed application along with future monitoring and surveillance of dredging, biodiversity, biosecurity, birdlife and rehoming kororā is supported by the Trust.

There is still a need to maintain cultural relationships with the harbour, and protect and enhance our fishery which is what the Trust is focussed on. These recommendations are made to ensure that tāngata whenua are exercising the right to Kaitiakitanga and working together with the Port of Tauranga to achieve the best outcomes for a healthy harbour.

1. That cultural monitoring of dredging activity, facilitated by the Trust is carried out as per the previous dredging campaign. The Trust supports the proposal that no overflowing when dredging by Trailer Suction Hopper Dredge on the flood tide and limiting overflow on the ebb tide.
2. That mitigative measures are applied to wharf construction materials and design to help reduce marine biosecurity incursions in Tauranga Harbour. Adding complexity to artificial structures to attract filter-feeding organisms can assist with absorbing and filtering pollutants in the water column to improve biodiversity and water quality.
3. That koura (crayfish) monitoring and enhancement research is carried out as a Master's project by Nathan James and the University of Waikato. The Trust is grateful to have an available master's student that is from Tauranga Moana to carry out this piece of work.
4. That the Port of Tauranga provides support to resource inner harbour restoration work in relation to sedimentation of Tauranga Harbour.
5. Ngāi Tukairangi hapū have proposed a project for tāngata whenua to monitor and attempt to relocate Kororā prior to works being undertaken alongside the Department of Conservation. To implement a pest control program within this project to help protect breeding pairs and their nests. The Trust supports this project.
6. For experts to partner with tāngata whenua regarding a Kororā Little Blue Penguin Response Plan.
7. To leave a section of rock wall to the south undisturbed in an effort to reduce unnecessarily disturbed bird life.
8. To support other high level tertiary research carried out by tāngata whenua.

The response of the Trust to the Port of Tauranga regarding this resource consent application is based on the customary fisheries aspects and potential impacts on the surrounding ecology and traditional marine space. This report does not intend to speak for other interested iwi or hapū groups of Tauranga Moana that may have different views regarding these matters.

## Tauranga Moana Iwi Customary Fisheries Trust Endorsement

Members of the Trust have reviewed the cultural impact assessment and the associated recommendations and provided their endorsement signed by the Chairperson as per below.

Name	Signature
Rehua Smallman, Ngāti Pukenga Trustee and Chairperson	
Penetaka Dickson, Ngāi Te Rangi Trustee	
Tu Piahana, Ngāti Ranginui Trustee	

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