

BEFORE THE EXPERT PANEL

UNDER the Fast-track Approvals Act 2024

IN THE MATTER OF the Taranaki VTM Project

**JOINT STATEMENT OF [REDACTED]
FOR TE KAAHUI O RAURU TRUST**

6 OCTOBER 2025

*Mai te rangi ki te whenua, mai uta ki tai, ko nga mea katoa e tapu ana, Ngaa Rauru
Kiitahi kia mau, kia ita.*

INTRODUCTION

1. My name is Tahinganui Hina and I am the Tumu Whakarae of the Te Kaahui o Rauru Trust (the **Trust**).
2. My name is Renée Bradley and I am the Tumu Whakahaere of the Trust.
3. This statement is filed in respect of the Trans-Tasman Resources Ltd (the **Applicant**) project listing application for the Taranaki VTM Project dated 23 April 2025 (the **Application**). The Application is presently before this expert panel (the **Panel**) for approval in accordance with the Fast-Track process established under the Fast-track Approvals Act 2024 (the **Act**).
4. We file this statement on behalf of Ngaa Rauru Kiitahi and the Trust (together, **Te Kaahui o Rauru**), the post-settlement governance entity.
5. We are authorised to provide this statement on behalf of the trustees of the Trust (the Paepae Representatives). The current Paepae Representatives are:
 - (a) Taiaroa Neho and Shannah-Leigh Fiso (Wai o Turi Marae);
 - (b) Leanne Hamilton and Rawiri Walsh (Whenuakura Marae);
 - (c) Mike Neho (Te Wairoa Iti Marae);
 - (d) Marilyn Davis and Maia Wihare (Takirau Marae);
 - (e) Garry Davis (Kaipoo Marae);
 - (f) Lynell Tuffery-Huria and Te Piwa Bullock (Tauranga Ika Marae);
 - (g) Akasha Rio (Paakaraka Marae);
 - (h) Rena Silipa (Te Aroha Marae);
 - (i) Tania Teki (Kai Iwi Marae);

(j) Hayden Potaka and Desmond Canterbury (Taipakee Marae),

(collectively, the **Paepae Representatives**).

6. The Trust is a relevant iwi authority, Treaty settlement entity and an applicant group for the purposes of section 18(2) of the Act.

OUR STATEMENT

7. This statement is filed on behalf of the Paepae Representatives and sets out the following:

- (a) the position of Te Kaahui o Rauru in respect of the Application;
- (b) an overview of Ngaa Rauru Kiitahi and the Trust;
- (c) a description of our traditional rohe and maatauranga;
- (d) an explanation of our Ngaa Raurutanga within the affected onshore and offshore area;
- (e) the impacts of the Application on our Ngaa Raurutanga;
- (f) our concerns regarding the Applicant's engagement with Te Kaahui o Rauru to date;
- (g) the significance of the Supreme Court's decision in *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZSC 67 (the **Supreme Court decision**); and
- (h) our vision for the continued exercise of Ngaa Raurutanga.

POSITION OF TE KAAHUI O RAURU IN RESPECT OF THE APPLICATION

Ko te mouri moana, ko te mouri whenua, ko te mouri wai, ko te mouri ora o Rauru

8. Ngaa Rauru Kiitahi has and continues to have a relationship with the moana in South Taranaki deriving from our Ngaa Raurutanga. The moana is a taonga over which Ngaa Rauru Kiitahi has always practised Ngaa Raurutanga, including kaitiakitanga, and continues to do so. It provided Ngaa Rauru Kiitahi whaanau with kai, medicine (rongoaa), a place to live, recreation, learning and

whanaungatanga. These rights and responsibilities and the Treaty relationship must be protected.

9. Mana motuhake, Rangatiratanga and Ngaa Raurutanga are key concepts underpinning how Ngaa Rauru Kiitahi exercises 'kaitiakitanga'. Through these concepts we demonstrate our authority and obligation of kaitiakitanga over the environment and its resources. They enable us to protect, enhance, restore and utilise natural and physical resources appropriately.
10. Our review of and experience with this Application and previous iterations of it lead us to reject the Application and the establishment of this seabed mining activity the moana in South Taranaki. We are not assured that the project can be undertaken without significant adverse effects on our moana. This position has been amplified by the Applicant's failure to engage meaningfully with Te Kaahui o Rauru in relation to this latest Application, leaving us with no confidence in its claims or in any proposed conditions.
11. In summary, the most significant effects of the proposed mining activity to us are:
 - (a) the impact of the sediment plume on the marine environment (including, but not limited to, reef structures and eco systems);¹
 - (b) the proposed and potential adverse effects on the seabed, subsoil, benthic biota, marine species and their habitats;² and
 - (c) the use of heavy equipment, fuels, artificial light and noise (among other things) on marine species.³
12. The level of uncertainty that remains in the Application is alarming. We consider that there is insufficient information provided by the Applicant to demonstrate that such effects (actual or potential) will not be serious or long-lived. Ngaa Rauru Kiitahi does not believe that this uncertainty has been reduced since the previous applications. Nor do we believe – on the available

¹ The Application, section 5.3 (Sedimentation and Optical Water Quality Effects); 5.4 (Effects on Coastal Processes); 5.11 (Visual, Seascape and Natural Character Effects).

² The Application, section 5.5 (Benthic Ecology and Primary Productivity Effects); 5.6 (Fished Species); 5.7 (Seabirds); 5.8 (Marine Mammals).

³ The Application, section 5.6 (Fished Species); 5.7 (Seabirds); 5.8 (Marine Mammals); 5.9 (Noise Effects); 5.12 (Air Quality Effects).

information – that any adaptive management approach could prevent the catastrophic impacts on our environment. The Applicant has shown little regard for the need to respond to or provide updated information and evidence on effects (actual or potential) and this is of significant concern to us. The flow on impacts of the effects on the domain of Tangaroa on the people who rely on and are intrinsically connected with and responsible to those eco systems is alarming – “mai te rangi ki te whenua, mai uta ki tai, ko nga mea katoa e tapu ana, Ngaa Rauru Kiitahi ki a mau, ki a ita”.

13. Our position has been, and always will be, that until there is undisputed evidence that the recognised damage or negative effects created by seabed mining can be appropriately restored, the Panel must favour caution and environmental protection. On that basis, our view is that the only possible conclusion is for the Application be declined.
14. Ngaa Rauru Kiitahi clearly has existing interests, rights, responsibilities and a relationship with the marine environment in which the proposed mining activity will operate – as derived from, and continuously expressed by, our Ngaa Raurutanga. Ngaa Rauru Kiitahi has ancient customary rights, responsibilities, interests and practices that require protection for present and future generations – evidenced by the koorero, karakia, waiata, places, place names (among other things) throughout the onshore and offshore environment of Ngaa Rauru Kiitahi.
15. It is simply inconsistent with the obligations inherent in our kaitiakitanga, mana motuhake and rangatiratanga for this project to proceed.

OVERVIEW OF NGAA RAURU KIITAHİ AND TE KAAHUI O RAURU TRUST

Ngaa Rauru Kiitahi

16. Ngaa Rauru Kiitahi is a pre-migration iwi which includes all whaanau, hapuu and iwi who descend from Rauru, our eponymous ancestor. Rauru was a man of one mind. There was no going back on his word, hence he was called Rauru Kiitahi (Rauru of the one word).
17. Within the paahuki of Ngaa Rauru Kiitahi can be found place names and hapuu that were named by Te Kaahui Rere prior to the arrival of Aotea waka to Aotearoa – Te Ihonga, Tieke, Tapuarau, Potiki-a-Rehua, Oturooriki, Te Kiri-o-Rauru, Moerangi, Ngaa Ariki and Te Ihupuku. As at the present day, the

descendants of Rauru are spread across twelve (12) marae in the paahuki (tribal rohe).

18. It is important to pay heed to the following ancient koorero, as passed down through generations and as acknowledged by iwi within Aotea:

Ko Aotea te waka

Aotea is the Canoe

Ko Turi te tangata ki runga

Turi is the Commander

19. When Turi arrived in Paatea, Taikehu was the prominent man who belonged to Te Kaahui Maunga, of the Te Kaahui Rere people. The Paatea River at the time was called Te Awanui-a-Taikehu (the great river of Taikehu).
20. Turi and his wife, Rongorongo, had four children, Tuuranga-i-mua (a son), the eldest, Taaneroa (a daughter), Tutawa-whaanau-moana (a son born at sea), and the youngest, Tongapootiki (who was born in Paatea).
21. As a result of population growth Tuuranga-i-mua's descendants moved south of Paatea. Tutawa-whaanau-moana and Tongapootiki's issue moved to Whenuakura and Waitootara. Taneroa's issue moved northwest. All of which remains the rohe of Ngaa Rauru Kiitahi.
22. According to oral koorero of the elders of Ngaa Rauru Kiitahi, this expansion was planned through generations and intermarriage. However, the knowledge about the Kaahui Rere traditions became more subtle – with such traditions becoming increasingly intermingled with the traditions of the Aotea waka. It was during this time that our whakapapa became intertwined due to the strong influence of the Aotea people.
23. Notwithstanding this, it is unequivocal that the koorero of the Kaahui Rere and their placenames remain significant to Ngaa Rauru Kiitahi as it is known today.

Te Kaahui o Rauru

24. The Crown and Ngaa Rauru Kiitahi settled our historical Treaty of Waitangi claims in 2003. In our settlement, the Crown has acknowledged the importance to Ngaa Rauru Kiitahi of revitalising Ngaa Raurutanga and our desire to practice Ngaa Raurutanga.

25. Ngaa Raurutanga is the foundation of Ngaa Rauru Kiiitahi culture. Ngaa Raurutanga is the term used by Ngaa Rauru Kiiitahi to describe those values, rights and responsibilities Ngaa Rauru Kiiitahi holds according to custom, including the values, rights and responsibilities recognised by Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
26. Te Kaahui o Rauru Trust is a trust with charitable status and acts for the benefit of Ngaa Uki o Ngaa Rauru Kiiitahi. The Trust holds many representative functions, including:
- (a) as the post-settlement governance entity (**PSGE**) for Ngaa Rauru Kiiitahi established pursuant to the Ngaa Rauru Kiiitahi settlement;
 - (b) acting in its capacity as the mandated iwi organisation for the purposes of the Māori Fisheries Act 2004;
 - (c) representing Ngaa Rauru Kiiitahi as an iwi authority for the purposes of the Resource Management Act 1991; and
 - (d) as an applicant on behalf of Ngaa Rauru Kiiitahi for recognition orders under the Marine and Coastal Area (Takutai Moana) Act 2011, including:
 - (i) customary marine title between Te Awanui-a-Taikehu (Patea River) in the north, through to the Whanganui River, in the south, out to 12 nautical miles; and
 - (ii) protected customary rights for mahinga kai between Te Awanui-a-Taikehu (Patea River) in the north, through to the Whanganui River, in the south, out to 12 nautical miles.
27. The Trust's governance is made up of representatives from each of its twelve (12) Marae Uki (**Paepae Representatives**), as shown in the table below. Each Marae Uki may elect two paepae representatives for their marae.

Marae	Hapuu	Marae	Hapuu
Wai-o-Turi	Rangitaawhi	Te Ihupuku	Hine Waatarua
	Pukorokoro	Tauranga Ika	Ngaati Ruaiti

	Ngaati Hine	Paakaraka	Ngaati Maika II
	Kairakau	Te Aroha	Tamareheroto/Pukeko/Iti
	Ngaati Maika I	Whenuakura	Hine Waiata
	Manaia	Wairoa Iti	Ngaati Tai
Waipapa	Ngaa Ariki	Kai Iwi	Tamareheroto/Pukeko/Iti
Takirau	Ngaati Pourua	Taipakee	Tamareheroto/Pukeko/Iti
Kaipo	Ngaati Hou Tipua		

28. The Paepae Representatives are the trustees of the Trust. Te Kawa o Te Kaahui o Rauru – the Trust Deed (**Te Kawa**) provides that the Paepae Representatives will be guided by the following:

Kia rangatira te tuu a Te Kaahui o Rauru

hei roopuu whakatiinana i ngaa rau wawata

o te iwi Maaori, o te motu hoki

29. Te Kawa requires that Paepae Representatives be guided and informed by maatauranga Maaori in their policy development and decision-making. That is, “Maatauranga Maaori is informed by puuraakau, karakia, mooteatea, whakataukii, whakapapa and many other puna koorero. Ngaa Rauru Kiitahitanga is the foundation of Ngaa Rauru Kiitahi culture and is derived from this Maaori world view.”
30. It is clear that we have an overarching responsibility to act in the best interests of Ngaa Uki o Ngaa Raurau Kiitahi. Our role in this Fast-Track process must be viewed within that necessary context.

NGAA RAURU KIITAHİ ROHE

31. The area of Ngaa Rauru Kiitahi rohe as at 1840 is approximately 210,000 hectares (520,000 acres).⁴

⁴ Deed of Settlement, page 2.

32. The rohe of Ngaa Rauru Kiitahi at 1840 began at Kaihau-a-Kupe (the mouth of the Whanganui River). The kaainga or occupied sites at Kaihau-a-Kupe included Kaihokahoka (ki tai), Kokohuia (the swampy area at Castlecliff), Te Whare Kaakaho (the Wordsworth Street area), Pungarehu/Te Ahi Tuatini (Cobham Bridge), Te Oneheke (between Karamu Stream and Churton Creek), Patupuhou, Nukuiro, and Kaieerau (St John's Hill).
33. The rohe then extended from Kaieerau along the watershed to Motuhou, Kaihokahoka (ki uta), Taurangapiupiu, Taumatarata, Maataimoana, Taurangakawa and north into the Matemateaonga Ranges and the area known as Tawhiwhi. After the Matemateaonga Ranges, is the Mangaehu Stream where the Mangaehu Paa was situated, near the source of Te Awanui-a-Taiehu (Paatea River). Between Te Awanui-a-Taiehu and Whenuakura Rivers (Te Arei o Rauru) were the paa of Maipu and Hawaiki.
34. Many Ngaa Rauru Kiitahi paa and kaainga were also situated along Te Awanui-a-Taiehu, such as Oowhio, Kaiwaka, Arakirikiri, Ngaa-papa-tara-iwi, Tutumaahoe and Parikaaranga. At the mouth of the river sat the kaainga and marae of Rangitaawhi and Wai-o-Turi which remain today. Along the shoreline between Rangitaawhi and Tuaropaki lies Te Kiri o Rauru.
35. Between Rangitaawhi and the mouth of the Whenuakura River stood Tihoi Paa (where Te Rauparaha rested). From Tihoi the rohe extends to Waipipi, Tapuarau, Waitootara River, Waiinu, Waikaramihi and Te Wai-o-Mahuki (near Te Ihonga). It continues past the Ototoka Stream to Poopoa (the marae of Aohehu at the mouth of the Okehu Stream), and then continues onwards to the mouth of the Kai Iwi Stream near the marae of Taipake Tuturu. From here the rohe stretches past Tutaramoana (he kaitiaki moana) back to Kaihau-a-Kupe (taken together, the **Ngaa Rauru Kiitahi rohe**).

NGAA RAURU KIITAHİ SETTLEMENT

36. Ngaa Rauru Kiitahi entered into a deed of settlement with the Crown on 27 November 2003, which settled our historical Treaty of Waitangi claims (the **Deed**). In order to give effect to the Deed, the Ngaa Rauru Kiitahi Claims Settlement Act 2005 was enacted on 28 June 2005 (the **Settlement Act**) (together, the **Ngaa Rauru Kiitahi Settlement**).

Statement of Ngaa Raurutanga

37. Importantly, the Ngaa Rauru Kiitahi Settlement contains a statement of Ngaa Raurutanga. The Crown has acknowledged the statement by Ngaa Rauru Kiitahi that:
- (a) Ngaa Raurutanga is the term used by Ngaa Rauru Kiitahi to describe those values, rights and responsibilities Ngaa Rauru Kiitahi holds according to custom, including the values, rights and responsibilities recognised by Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.⁵
 - (b) Ngaa Rauru Kiitahi has exercised Ngaa Raurutanga in respect of, and has occupied, the Ngaa Rauru Kiitahi rohe (as described earlier in our evidence) and held tight to the values that constitute Ngaa Raurutanga.⁶
 - (c) The values held by Ngaa Rauru Kiitahi are reflected in:⁷
 - (i) the practice by Ngaa Rauru Kiitahi of mataauranga, waiora/hauora, kaitiakitanga, wairuatanga, te reo and whakapapa; and
 - (ii) respect for the principle “mai te rangi ki te whenua, mai uta ki tai, ko nga mea katoa e tapu ana, Ngaa Rauru Kiitahi ki a mau, ki a ita”.
38. The Crown acknowledged that this statement of Ngaa Raurutanga “is guided by Ngaa Rauru Kiitahi values” and “seeks outcomes that enable Ngaa Rauru Kiitahi to practise Ngaa Raurutanga”.⁸
39. The Ngaa Rauru Kiitahi Settlement includes redress provided in settlement of our historical claims that is intended to “to enhance the ongoing relationship between Ngaa Rauru Kiitahi and the Crown (in terms of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles)” and ultimately “assists

⁵ Deed of Settlement, clause 2.9.

⁶ Deed of Settlement, clause 2.10(a).

⁷ Deed of Settlement, clause 2.10(b).

⁸ Deed of Settlement, clause 2.11.2.

the Crown to recognise and respect Ngaa Raurutanga and the desire of Ngaa Rauru Kiitahi to practise Ngaa Raurutanga”.⁹

40. The Crown further acknowledges the “importance to Ngaa Rauru Kiitahi of revitalising Ngaa Raurutanga” and that “Ngaa Rauru Kiitahi intends that the Redress will assist that revitalisation”.¹⁰

Statutory acknowledgements, deeds of recognition and statements of association

41. Ngaa Raurutanga has manifested itself in specific ways within the terms of the Ngaa Rauru Kiitahi Settlement.

Coastal Marine Area

42. The Ngaa Rauru Kiitahi Settlement includes a statutory acknowledgement specifically in relation to the coastal marine area. This provides:¹¹

Cultural, spiritual, historical, and traditional association of Ngaa Rauru Kiitahi with statutory area

Within this coastal area between Rangitaawhi and Wai-o-Turi Marae is “Te Kiri o Rauru”, the skin of Rauru. Te Kiri o Rauru is an important life force that has contributed to the physical and spiritual well-being of Ngaa Rauru Kiitahi.

Ngaa Rauru Kiitahi used the entire coastal area from Te Awanui o Taikehu (Patea River) to the mouth of the Whanganui River and inland for food gathering, and as a means of transport. The coastal area was a rich source of all kai moana. Ngaa Rauru Kiitahi exercised the values of Ngaa Raurutanga in both harvesting and conserving kai moana.

Ngaati Hine Waiata, and Ngaati Tai hapuu of the Waipipi (Waverley) area gathered food according to the values of Ngaa Raurutanga and kawa along the coast from the Patea River to Waipipi. Along the wider coastal area Rangitaawhi, Pukorokoro, Ngaati Hine, Kairakau, Ngaati Maika, and Manaia hapuu of the

⁹ Deed of Settlement, clause 2.12.

¹⁰ Deed of Settlement, clause 2.13.

¹¹ Deed of Settlement, clause 11.14 and Cultural Redress Schedule, Part 4. See also Settlement Act, Schedule 5.

Patea area gathered food according to the values of Ngaa Raurutanga and kawa.

Ngaa Ariki, Ngaati Hou Tipua, Ngaati Pourua, Ngaati Hine Waiatarua, Ngaati Ruaiti, and Ngaati Maika gathered food according to the values of Ngaa Raurutanga and kawa along the coast from Waipipi to Mowhanau and the Kai Iwi stream.

Tamareheroto (Ngaati Pukeko and Ngaati Iti) exercised food gathering according to the values of Ngaa Raurutanga and kawa along the coast from the Okehu stream to the mouth of the Whanganui River, including from the fishing station of Kaihau a Kupe (at the mouth of the Whanganui River). Ngaa Kaainga at Kaihau a Kupe included Kaihokahoka (ki tai), Kokohuia (swampy area at Castlecliff), Te Whare Kakaho (Wordsworth St area), Pungarehu/Te Ahi Tuatini (Cobham bridge), Te Oneheke (between Karamu stream and Churton Creek), Patupuhou, Nukuiro, and Kaierau (St Johns Hill).

There are many sites of cultural, historical, and spiritual significance to Ngaa Rauru Kiitahi along the coastal area from the Patea River to the mouth of the Whanganui River. Important kaainga are situated along this coastal area. These include Tihoi Paa (where Te Rauparaha rested), which is situated between Rangitaawhi and the mouth of the Whenuakura River, Poopoia (Te kaainga a Aohehu), and Te Wai o Mahuku (near Te Ihonga). This coastal area includes outlets of streams and rivers that nourish and sustain Ngaa Rauru Kiitahi, such as Waipipi, Waiinu, Tapuarau Lagoon, the Ototoke Stream, the Okehu Stream, and the Kai Iwi Stream. Other areas of special significance to Ngaa Rauru Kiitahi include Taipake Tuturu, Tutaramoana (he kaitiaki moana), Tuaropaki, and Waikaramihi Marae along the coast from Tuaropaki.

43. Ngaa Rauru Kiitahi's relationship with our moana, including the offshore area, extends over generations and is an integral part of many dimensions of the lives of our people. The marine area within our takutai moana is influenced by the currents, tides and waves that prevail. These have contributed to and in turn are affected by the topography of the seabed.
44. There are several offshore reefs within the Ngaa Rauru Kiitahi takutai moana. These individual reefs were and are known by name and were

managed by specific hapū. Our people have always maintained that they would not consider taking seafood from reefs in other areas without the consent of, or without being accompanied by, a member of the local hapū.

Deed of Recognition

45. On 26 July 2005, Te Kaahui o Rauru and the Minister of Conservation entered into a Deed of Recognition pursuant to clause 11.23 of the Deed of Settlement.
46. We draw the Panel's attention to the statutory acknowledgements that have been recorded in the Deed of Recognition in relation to the Patea River, the Whenuakura River and the Waitotara River – the mouths of which are all located in the South Taranaki Bight.
47. In particular, the Crown has acknowledged the statements of association of its cultural, spiritual, historical and traditional association with the statutory areas (including the aforementioned rivers, among other areas).¹²
48. Importantly, the Deed also requires that the Minister of Conservation consult and have regard to the views of Te Kaahui o Rauru if “undertaking an activity” within a statutory area.¹³
49. The statutory associations formally record our relationship with our rivers and the sea within the South Taranaki Bight (i.e. the project area) and further require the Crown to have particular regard to our views when undertaking an activity within areas subject to those associations. We would therefore expect that the Panel have regard to our views in the same manner.

Ngaa maataapono o Ngaa Raurutanga

50. Our Ngaa Raurutanga exists in its own right. Our expression of our Ngaa Raurutanga is underpinned by ngaa maataapono (principles) that guide the practice of our Ngaa Raurutanga, as relevant to the circumstances. In the present circumstances, we are concerned with how our Ngaa Raurutanga can be upheld if the proposed seabed mining activity was approved by the Panel. We firmly believe this is the only appropriate way to understand the

¹² Deed of Recognition, clause 1.1.

¹³ Deed of Recognition, clause 2.1.

nature and extent of our existing interests, taking into account our distinct Ngaa Raurutanga.

51. Our assessment of this question must first begin by identifying ngaa maataapono – which underpin the exercise of our Ngaa Raurutanga in any given context. For the Panel's benefit, we have set out below:
 - (a) the meaning of each maataapono, as it applies in all contexts (including our consideration of the Application); and
 - (b) our expression of Ngaa Raurutanga as derived from that maataapono.

Te maataapono: Whakapapa

52. All things have whakapapa; they are all related. We firmly believe that everything living and non-living shares descent from the same ancestral and celestial force. It is the bridge that links us to our ancestors, defines our heritage and gives us the stories that define our place in the world. It helps us know who we are, from whom we descend, and what our obligations are to those who come after us.
53. It follows then that our Ngaa Raurutanga is an expression of our whakapapa – to each other, our stories and maatauranga, and the places we derive from. It binds the uki of Ngaa Rauru Kiitahi and our rohe.
54. As derived from whakapapa, we express our Ngaa Raurutanga by ensuring that all issues are considered particular whakapapa lens – that confirms how the whaanau, hapuu, iwi and waka of Taranaki are all interconnected and the intrinsic relationship that therefore exists between us and the Taranaki lands and sea from which we derive.

Te maataapono: Tiakitanga

55. Tiakitanga embraces the spiritual and cultural guardianship of Te Ao Maarama, it is a responsibility derived from whakapapa. Tiakitanga entails an active exercise of responsibility in a sustainable manner beneficial to resources and the welfare of the people. It promotes the growth and development of the Maaori people in all spheres of livelihood so that Maaori can participate in a future of living in good health and in reasonable

prosperity. Preserving and maintaining Ngaa Rauru Kiitahi so we can continue to fulfil our functions and duties is implicit within this kaupapa.

56. Tiakitanga is essential to how Ngaa Raurutanga is practised in our everyday life and in the decisions we make as Paepae Representatives for the benefit of our uki. This includes acting in a manner that:
- (a) protects the mana of our uki, marae, hapuu and iwi;
 - (b) protects, guards and takes care of the places, natural resources, taonga and its uki, and the mouri of those places, resources, taonga and uki;
 - (c) ensures the revival, retention and maintenance of Ngaa Raurutanga, which includes the survival of Ngaa Rauru Kiitahi as a people;
 - (d) promotes the achievement of wellness and well-being for whaanau and hapuu of Ngaa Rauru Kiitahi;
 - (e) fosters and promotes sustainable management and growth of the economy so as to provide a stable and secure environment for future generations; and
 - (f) contributes to a clean, safe and healthy environment by promoting the protection and restoration of our natural environment.

Te maataapono: Maatauranga

57. Maatauranga is the way in which we are able to understand the explanations and ideas of the development of the world as introduced and integrated into the worldview of Ngaa Rauru. It encapsulates our ability to analyse our natural environments/human behaviour and accordingly adjust our behaviour to seek harmony within that world.
58. Maatauranga is seen as an integral component of the muka that make up Ngaa Raurutanga, helping the continual revival, retention and maintenance of Ngaa Rauru Kiitahi as a vibrant people. Our exercise of Ngaa Raurutanga is therefore derived from maatauranga in the following ways:

- (a) our determination of the use of reliable and relevant knowledge and information to Te Kaahui o Rauru;
- (b) the expertise and use of our kaumatua and rehe in decision-making;
- (c) the promotion of maatauranga Maaori pathways that are of benefit to the people and lead to their advancement;
- (d) research and development that leads to the advancement of maatauranga Maaori and ensures the survival of the people of Ngaa Rauru Kiitahi;
- (e) establishing a platform of understanding of the Ngaa Rauru Kiitahi values and principles; and
- (f) contributing to a sense of belonging through the paradigm of living as Ngaa Rauru Kiitahi and citizens of the world.

Te maataapono: Wairuatanga

- 59. Wairuatanga is the belief of a sanctum, the spiritual essence of the unseen domain that co-exists alongside the physical world. It is expressed through the intimate connection of the people to their maunga, awa, moana and marae, and to tuupuna and atua. These connections are maintained and nourished through the knowledge and understanding of such places and our connection to them, as iwi at place. Our wairuatanga helps us towards achieving our collective wellbeing.
- 60. Our Ngaa Raurutanga is underpinned by affirming our commitment to wairuatanga. Expressing our wairuatanga is central to the everyday lives of Ngaa Rauru Kiitahi people and is integral to the Ngaa Rauru Kiitahi worldview.
- 61. Wairuatanga is present in our everyday exercise of Ngaa Raurutanga:
 - (a) by taking steps to encourage, maintain and promote spiritual identity and connection with the land, sea and air; and
 - (b) promoting the importance of orange wairua for Ngaa Rauru Kiitahi well-being.

Te maataapono: Whaanaungatanga

62. Whaanaungatanga binds individual whaanau members to the wider whaanau, hapuu and then iwi – affirming the values we hold as a collective. It is the interdependence, and interrelations and interactions, with each other and recognition that the people are our wealth.
63. Our expression of Ngaa Raurutanga, as derived from whaanautanga, can take the form of:
- (a) acknowledging and articulating where we are from, how we interact, interrelate to each other and to our stories;
 - (b) relating all issues and commitments concerning Te Kaahui o Rauru to our uki, our marae, our hapuu and our iwi; and
 - (c) respect for all cultures and ensuring that all New Zealanders have an understanding of, and respect for, the status of Ngaa Rauru Kiitahi.

Ngaa maataapono: Mana me te Mana Whenua

64. As a people, mana is reflected in the promotion of self-determination for Ngaa Rauru Kiitahi as an expression of the rights defined by mana atua, mana tuupuna, and mana whenua.
65. Mana whenua is the principle that defines tuurangawaewae and uukaipoo, the places where you belong, where you count, where you are important and where you can contribute. It is essential for Maaori well-being. The places Maaori find themselves, their strength, their energy are where Maaori have mana whenua. Once grounded to the land and home, Maaori are able to participate positively and productively in society generally.
66. Mana underpins our expression of Ngaa Raurutanga by ensuring that we:
- (a) recognise and acknowledge the authority of whaanau and hapuu in their respective rohe, as people at place;
 - (b) determine actions in the cultural guardianship, responsibilities and commitments that protect, guard and take care of the places, natural

resources, taonga and its uki, and the mouri of those places,
resources, taonga and its uki;

- (c) determine our own actions in the cultural preservation of our mana that maintain, enhance and encourage wellbeing of our uki, of those things considered of value, of all our places, and natural resources, taonga and its uki;
- (d) acknowledge, nurture, support and reflect the mana within Te Kaahui o Rauru; and
- (e) enhance the partnership between kawanatanga and tino rangatiratanga as provided in Te Tiriti o Waitangi.

67. We demonstrate mana whenua through our Ngaa Raurutanga by ensuring that Te Kaahui o Rauru is representative of uki. In turn, this means we assist uki to establish and maintain their connections to our land, sea, and air. To do this, we take all steps necessary to promote mana whenua, mana moana and mana irirangi as the basis for the management of our land, sea and airspace.

Te maataapono: Manaakitanga

68. At its core, manaakitanga acknowledges the mana of all things tangible and intangible. It elevates the wellbeing or importance of those things to an equal or greater status of importance than one's own, whereby that mana is enhanced, improved or maintained.
69. Our Ngaa Raurutanga, as underpinned by manaakitanga, is expressed by ensuring that we, as Te Kaahui o Rauru, take all steps necessary to:
- (a) foster the wellbeing and status of the people of Ngaa Rauru Kiitahi;
 - (b) ensure that a course of action or a proves set down is deemed to enhance, maintain or encourage our Ngaa Raurutanga;
 - (c) preserve, maintain, enhance and encourage the mana and wellbeing of our uki, of those things considered of value, of all our places, and natural resources, taonga and its uki; and

(d) involve all peoples in the process of rebuilding our iwi based on mutual respect and harmonious relationships.

70. Manaakitanga can therefore be manifested through the expression of one's aroha, hospitality, generosity, mutual respect, reciprocity, support and understanding shown to the recipient or those things considered of importance.

71. Having clearly set out our understanding of ngaa mataapono and their practical manifestation in our exercise of Ngaa Raurutanga, we now turn to address the impacts of the Application on our Ngaa Raurutanga.

NGAA RAURUTANGA WITHIN THE AFFECTED MOANA (ONSHORE AND OFFSHORE AREA) AND IMPACTS OF THE APPLICATION ON NGAA RAURUTANGA

72. We have considered the impact of the Application and proposed activities on Ngaa Raurutanga in our rohe. We have considered this in the context of our responsibilities to whenua, moana and all associated elements as manifested through the mataapono identified above, and in particular on the continued exercise of Ngaa Raurutanga in relation to the affected area and its interconnectedness with the wider Ngaa Rauru Kiitahi rohe.

73. In our view, the information provided in the Application (and lack thereof) indicates that the level of environmental destruction resulting from the proposed mining activity could be significant.

74. We are particularly concerned with the level of destruction being proposed in the marine environment, and the risk to the health and wellbeing of Tangaroa and all its living creatures is totally unacceptable to Ngaa Rauru Kiitahi – regardless of any economic benefit (noting that we consider any claimed economic benefits to be negligible in the context of other priorities and activities in our rohe).

75. In summary, the most significant effects of the proposed mining activity to us are:
- (a) the impact of the sediment plume on the marine environment (including, but not limited to, reef structures and eco systems);¹⁴
 - (b) the proposed and potential adverse effects on the seabed, subsoil, benthic biota, marine species and their habitats;¹⁵ and
 - (c) the use of heavy equipment, fuels, artificial light and noise (among other things) on marine species.¹⁶
76. The level of uncertainty that remains in the Application is alarming. We consider that there is insufficient information provided by the Applicant to demonstrate that such effects (actual or potential) will not be serious or long-lived. Ngaa Rauru Kiitahi does not believe that this uncertainty has been reduced since the previous applications. Nor do we believe – on the available information – that any adaptive management approach could prevent the catastrophic impacts on our environment. The Applicant has shown little regard for the need to respond to or provide updated information and evidence on effects (actual or potential) and this is of significant concern to us. The flow on impacts of the effects on the domain of Tangaroa on the people who rely on and are intrinsically connected with and responsible to those eco systems is alarming – “mai te rangi ki te whenua, mai uta ki tai, ko nga mea katoa e tapu ana, Ngaa Rauru Kiitahi ki a mau, ki a ita”.
77. Our position has been, and always will be, that until there is undisputed evidence that the recognised damage or negative effects created by seabed mining can be appropriately restored, the Panel must favour caution and environmental protection. On that basis, our view is that the only possible conclusion is for the Application be declined.
78. Ngaa Rauru Kiitahi clearly has existing interests, rights, responsibilities and a relationship with the marine environment in which the proposed mining activity

¹⁴ The Application, section 5.3 (Sedimentation and Optical Water Quality Effects); 5.4 (Effects on Coastal Processes); 5.11 (Visual, Seascape and Natural Character Effects).

¹⁵ The Application, section 5.5 (Benthic Ecology and Primary Productivity Effects); 5.6 (Fished Species); 5.7 (Seabirds); 5.8 (Marine Mammals).

¹⁶ The Application, section 5.6 (Fished Species); 5.7 (Seabirds); 5.8 (Marine Mammals); 5.9 (Noise Effects); 5.12 (Air Quality Effects).

will operate – as derived from, and continuously expressed by, our Ngaa Raurutanga. Ngaa Rauru Kiitahi has ancient customary rights, responsibilities, interests and practices that require protection for present and future generations – evidenced by the koorero, karakia, waiata, places, place names (among other things) throughout the onshore and offshore environment of Ngaa Rauru Kiitahi.

79. Consistent with the Supreme Court’s findings, our existing interests – for the purposes of approvals sought within the Exclusive Economic Zone – include, but are not limited to:¹⁷
- (a) the exercise of Ngaa Raurutanga and the obligation of tiakitanga within the rohe and our other tikanga interests as expressed through ngaa mataapono (which include activities that support the sustenance and well being of our people and the natural world);
 - (b) the rights and interests claimed under the Marine and Coastal Area (Takutai Moana) Act 2011; and
 - (c) the rights and interests under the Treaty of Waitangi (Fisheries Claim) Settlement Act 1992.
80. Our existing interests include the wider practise and exercise of tiakitanga, wairuatanga, and the ability to both exercise and gain traditional knowledge (maatauranga) about – and whakapapa back to – Tangaroa and all its elements. Importantly, even if the activities in question occur in the offshore environment in the EEZ (a distinction which we do not recognise at tikanga), what is important is their *effects on* the interests that are protected, and the impacts that flow from those effects. It is clear that the effects (including any potential effects) will have a profound impact on our existing interests, which exist in their own right in Ngaa Raurutanga and are expressly protected by the terms of our settlement.
81. It is important to note that Ngaa Rauru Kiitahi is currently going through the process of formalising its customary rights under the Marine and Coastal

¹⁷ This approach was held to be consistent with the guarantee in Article II of the Treaty of tino rangatiratanga in the context of the marine environment: *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZSC 67 at [154] per William Young and Ellen France JJ.

Area (Takutai Moana) Act 2011. Any decision made prior to completion of this process is at risk of undermining our Ngaa Raurutanga, the Treaty of Waitangi and even of creating a new Treaty breach.

OUR CONCERNS WITH THE APPLICANT'S ENGAGEMENT TO DATE

82. The Applicant has not undertaken, or attempted to undertake, any *meaningful* engagement with Te Kaahui o Rauru on the Application. We record our extreme concern that the Application as framed is simply incorrect insofar as engagement with Te Kaahui o Rauru is concerned.
83. It is clear from the current Application that the Applicant relies on its early attempts to engage in the previous application processes that have occurred to date.¹⁸ In that regard, it is important to note that:
- (a) The Applicant continues to rely on the 2016 Cultural Values Assessment (the **CVA**).¹⁹ To the best of our knowledge, Ngaa Raurutanga was not incorporated into the CVA, nor was Ngaa Rauru Kiitahi involved in the preparation of a CVA. Accordingly, we consider that the Application is incomplete in that respect.
 - (b) Our opposition to the proposed mining activity and its effects has been unequivocal for almost a decade, as demonstrated in the previous application processes:
 - (i) Ngaa Rauru Kiitahi first opposed the activity in our submissions to the Authority, as recorded in letters from Anne-Marie Broughton (the former Kaiwhakahaere of Te Kaahui o Rauru) to the Authority dated 14 October 2016 and 12 December 2016.²⁰
 - (ii) Our submission was supported by an overwhelming amount of evidence filed on our behalf during the previous hearing before the Authority in 2017. This evidence included:

¹⁸ The Application, section 7.1.4 (FTA Pre-lodgement Consultation).

¹⁹ The Application, section 5.13.1 (Cultural Effects) and 5.13.2 (Cultural Values Assessment).

²⁰ The Authority "Te Kaahui o Rauru" (Submission) <<https://www.epa.govt.nz/assets/Uploads/Documents/Marine-Activities-EEZ/Activities/EEZ000011-TTRL-Reconsideration/Submissions/Te-Kaahui-O-Rauru-121947.pdf>>.

- (A) Expert environmental academic evidence of Professor Catherine Iorns Magallanes, Thomas Stuart and Dale Scott (jointly);²¹
- (B) Evidence of Anne-Marie Broughton (in her capacity as the former Kaiwhakahaere of Te Kaahui o Rauru);²²
- (C) Evidence of Martin Davis and Turama Hawira regarding Ngaa Raurutanga and tikanga Māori;²³
- (D) Evidence of Te Huia Bill Hamilton and Mike Noho regarding the Ngaa Rauru Settlement and the interests protected therein;²⁴ and
- (E) Expert Māori academic evidence of Dr Andrew Erueti and Professor Jacinta Ruru and Sarah Downs.²⁵

²¹ Expert Evidence of Catherine Iorns Magallanes and Dale Scott in support of Te Kaahui o Rauru (dated 24 January 2017) <<https://www.epa.govt.nz/assets/Uploads/Documents/Marine-Activities-EEZ/Activities/EEZ000011-TTRL-Reconsideration/submitter-evidence/Evidence-Catherine-Te-Kaahui-o-Rauru.pdf>>; Expert Evidence of Catherine Iorns Magallanes, Thomas Stuart and Dale Scott in support of Te Kaahui o Rauru (dated 6 March 2017) <<https://www.epa.govt.nz/assets/FileAPI/proposal/EEZ000011/Hearings-Week-04/cbec8742f1/10-Catherine-Iorns-Expert-evidence-in-support-of-Te-Kaahui-O-Rauru.pdf>>.

²² Authority Hearing, Transcript 6 March 2017 from page 1184 and Transcript 8 March 2017 from page 1374, evidence of Anne-Marie Broughton and opening presentation <<https://www.epa.govt.nz/assets/Uploads/Documents/Marine-Activities-EEZ/Activities/EEZ000011-TTRL-Reconsideration/submitter-evidence/Opening-representation-Anne-Marie-Broughton-Seabed-at-Ward-Beach.pdf>>.

²³ Authority Hearing, Transcript 6 March from page 1150 and Evidence in Māori of Turama Hawira (dated 20 January 2017) <<https://www.epa.govt.nz/assets/Uploads/Documents/Marine-Activities-EEZ/Activities/EEZ000011-TTRL-Reconsideration/submitter-evidence/Maori-Turama-Hawira-Te-Kaahui-o-Rauru-.pdf>>.

²⁴ Authority Hearing, Transcript 6 March from page 1150; Evidence of Te Huia Bill Hamilton (dated 23 January 2017) <<https://www.epa.govt.nz/assets/Uploads/Documents/Marine-Activities-EEZ/Activities/EEZ000011-TTRL-Reconsideration/submitter-evidence/Bill-Hamilton-Te-Kaahui-o-Rauru.pdf>>; Evidence of Mike Noho (dated 6 October 2023) <<https://www.epa.govt.nz/assets/Uploads/Documents/Marine-Activities-EEZ/Activities/EEZ000011-TTRL-Reconsideration/Submitter-responses/Te-Kaahui-O-Rauru-evidence.pdf>>.

²⁵ Evidence of Jacinta Ruru and Sarah Down (dated 23 January 2017) <<https://www.epa.govt.nz/assets/Uploads/Documents/Marine-Activities-EEZ/Activities/EEZ000011-TTRL-Reconsideration/submitter-evidence/Evidence-of-Jacinta-and-Sarah-Te-Kaahui-o-Rauru.pdf>>; Evidence of Andrew Erueti (dated 23 January 2017) <<https://www.epa.govt.nz/assets/Uploads/Documents/Marine-Activities-EEZ/Activities/EEZ000011-TTRL-Reconsideration/submitter-evidence/Evidence-of-Jacinta-and-Sarah-Te-Kaahui-o-Rauru.pdf>>.

Importantly, our evidence was accompanied by other evidence opposing the application filed by Ngāti Ruanui and Te Ohu Kaimoana²⁶ (which should be read alongside the evidence of other non-Māori participants who also opposed that application).

84. To the best of our knowledge, the Applicant has only attempted to contact us twice – by way of letters dated 29 January and 15 August 2025 – in relation to the current Application under the Fast-Track approvals process. We consider the information provided at paragraph 7.2.5 of the Applicant to be historic and outdated. Given that this is a new application under a completely different legislative regime for Fast-Track consenting, we do not consider this historic information regarding previous engagement (which quite possibly dates back to the first application under the EEZ Act – almost a decade ago) satisfies the requirements for pre-lodgement consultation. In fact, we consider it misleading and deceptive..
85. As noted earlier in our evidence, we do not consider the CVA prepared by a person who does not whakapapa to Taranaki to be sufficient. The CVA does not grapple with the flow on impacts of the adverse effects on our Ngaa Raurutanga. Given the express protection of Ngaa Raurutanga in our settlement, we consider the CVA does not consider the specific impact of the proposed activity on our existing interests – as required under the Fast-track approvals process.
86. Similarly, we do not consider the Te Tai Hauauru Fisheries Forum Report to be a substitute of our views. While we are technically a member of that forum, by its collective nature, such a forum cannot appropriately consider or provide for our unique and distinct Ngaa Raurutanga and Te Kaahui o Rauru was not engaged in the preparation of that report. The report itself acknowledges this:

It is not the role of the Iwi Fisheries Forum to speak on behalf of all those who have mana moana/ mana whenua and that each iwi should also have the right to comment on the application.

²⁶ See for example: the Authority “Material relating to tangata whenua and iwi parties from the previous 2017 proceedings” <<https://www.epa.govt.nz/public-consultations/completed/trans-tasman-resources-limited-2023-reconsideration/material-in-relation-to-effects-on-tangata-whenua-and-iwi-parties-from-the-previous-2017-proceedings/>>.

It does not attempt to provide a comprehensive account of all individual iwi history, whakapapa, connections and tikanga practices within the marine environment. Instead, what we are presenting is an analysis of those customary (tāngata whenua) interests in the coastline through providing sites of significance to customary species or fishing practices.

87. We further observe that engagement to us is not telling us to turn up to a hui that is structured in an uncompromising manner, whereby there is no acknowledgement of our Ngaa Raurutanga. We record our view that it is as if our Ngaa Raurutanga does not exist to the Applicant. At the very least, engagement means turning up with an open mind. In order for meaningful engagement to occur, we need to understand each other and be able to build a relationship. We may not be friends, but we must be able to come from a place of understanding and listen to each other from either side of the fence.
88. Against that background, our position on the Applicant's approach to engagement remains as follows:
 - (a) The Applicant has not undertaken, or attempted to undertake, any *meaningful* engagement with Te Kaahui o Rauru to date, in respect of the Application.
 - (b) For engagement to be meaningful, it must also be *genuine*. Despite having made our views on the proposed mining activity clear to the Applicant, the Authority and the wider public, for almost a decade, the Applicant's approach to the application process(es) and engagement with us has not demonstrated any genuine desire to seek to address our significant concerns.
 - (c) The Applicant's decision to withdraw its application seeking consents for the proposed mining activity from the Authority's reconsideration process, despite a Supreme Court decision requiring this, and then later making an application for the very same project under the fast-track approvals process, is extremely offensive. In our view, the steps taken by the Applicant are a deliberate attempt to evade the findings of the Supreme Court and therefore demonstrate a blatant disregard for our strong views on the proposed activity.
 - (d) Furthermore, the Applicant has only attempted to contact us twice, without any genuine intent to engage, in relation to its application

seeking fast-track approval of the very same mining activity that it previously sought consents for under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the **EEZ Act**). It appears clear to us that the Applicant is unwilling to allow for any change in outcome or approach – despite the project's adverse effects on our traditional rohe and maatauranga which we have continuously reiterated over the last nine years.

89. The Applicant's overall approach to engagement is extremely disappointing. In our view, there has been ample opportunity for the Applicant to seek meaningful and genuine engagement with us as tangata whenua. This has negatively impacted Te Kaahui o Rauru financially and emotionally, and our ability to continue to exercise our Ngaa Raurutanga in relation to this new process, in a significant way. Such impacts cannot be understated.

THE SIGNIFICANCE OF THE SUPREME COURT DECISION

90. The Taranaki VTM Project has a long and contentious history with prior proceedings concerning opposition (Maaori and non-Maaori) to the project in both the Authority and the senior courts, culminating in a Supreme Court decision.
91. In 2017, an Authority decision-making committee granted marine and marine discharge consents lodged by the Applicant under the EEZ Act. In short, the application sought to extract and process seabed material off the Taranaki coastline and to discharge processed material back into the area – the same project that is the subject of this Application.²⁷
92. The Authority's decision was appealed to the High Court. In 2018, the High Court set aside the marine and marine discharge consents granted by the Authority and referred the application back to the Authority for reconsideration, taking into account the Court's findings.²⁸

²⁷ Environmental Protection Authority, Decision on Marine Consents and Marine Discharge Consents Application, dated 3 August 2017.

²⁸ *The Taranaki-Whanganui Conservation Board, and other Appellants v The Environmental Protection Authority* [2018] NZHC 2217, [2019] NZRMA 64.

93. The High Court decision was appealed to the Court of Appeal. In 2020, the Court of Appeal upheld the High Court’s decision to set aside the consents and refer the application back to the Authority for reconsideration.²⁹
94. The Court of Appeal decision was appealed to the Supreme Court. In 2020, the Supreme Court granted leave to appeal on the question of whether the Court of Appeal was correct to dismiss the appeal. In its reasons, the Supreme Court noted that “this appeal raises issues in relation to the Treaty of Waitangi, Maaori customary interests and the applicability of tikanga to marine and marine discharge consent applications”.³⁰
95. The Supreme Court dismissed the appeal. The Court was unanimous on the issues raised in respect of Te Tiriti o Waitangi, tikanga Maaori and how the decision-makers were required to consider Maaori interests under the EEZ Act.
96. In summary, the Supreme Court found that:
- (a) in considering the application, the Authority’s decision-making committee was required to take into account the effects of the proposed activity on “existing interests” in a manner that “recognised and respected” the Crown’s obligation to give effect to the principles of the Treaty;³¹
 - (b) it follows that, by interpreting existing interests consistently with the Crown’s obligations under the Treaty, tikanga-based customary rights and interests constitute “existing interests” (including the exercise of kaitiakitanga and any customary rights claimed, but not yet granted);³²

²⁹ *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZCA 86, [2020] NZRMA 248.

³⁰ *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZSC 67 at [1].

³¹ *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZSC 67 at [149] per William Young and Ellen France JJ, [237] per Glazebrook J, [296] per Williams J and [332] per Winkelmann CJ.

³² *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZSC 67 at [154]–[155] per William Young and Ellen France JJ, [237] per Glazebrook J, [296]–[297] per Williams J and [332] per Winkelmann CJ.

- (c) accordingly, the “existing interests” that the Authority’s decision-making committee was required to consider were:³³
- (i) the exercise of kaitiakitanga within the rohe;
 - (ii) rights and interests claimed under the Marine and Coastal Area (Takutai Moana) Act 2011; and
 - (iii) rights and interests under the Treaty of Waitangi (Fisheries Claim) Settlement Act 1992;
- (d) if such “existing interests” are outweighed by others, then the EEZ Act required the decision-making committee to provide reasons for its decision. In other words, where there are a number of factors to be taken into account and interests reflecting Treaty obligations, the decision-maker will need to explain how the balance has been struck;³⁴
- (e) in this case, the Court held that the decision-making committee had failed to properly engage with the nature of the interests affected by the proposed activity in Applicant’s application. For example, the decision-making committee referred to the effect of the proposed activity on kaitiakitanga and the mauri of the marine environment, but did not grapple with how Maaori (in that case, the iwi) would be able to continue to exercise their kaitiakitanga if the consent was granted (particularly given the length of the consent and the long-term nature of the environmental effects);³⁵
- (f) furthermore, the Court held that tikanga Maaori, as law, must be taken into account by the decision-making committee as “other applicable law”, where its recognition and application is appropriate to the particular circumstances of the consent application at hand.³⁶

³³ This approach was held to be consistent with the guarantee in Article II of the Treaty of tino rangatiratanga in the context of the marine environment: *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZSC 67 at [154] per William Young and Ellen France JJ.

³⁴ *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZSC 67 at [157] per William Young and Ellen France JJ.

³⁵ *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZSC 67 at [160] per William Young and Ellen France JJ.

³⁶ *Trans-Tasman Resources Ltd v Taranaki-Whanganui Conservation Board* [2020] NZSC 67 at [169] per William Young and Ellen France JJ, [237] per Glazebrook J, [296]–[297]

97. The Supreme Court decision was a very significant outcome for Te Kaahui o Rauru and Taranaki iwi and hapuu generally. We put much time and effort in to the process in order to protect our Ngaa Raurutanga, including our rohe moana. In our view, the protection of rights and interests in terms of Ngaa Raurutanga and Te Tiriti o Waitangi was paramount.
98. It is for that reason that we consider the steps taken by the Applicant to have the very same project reheard under the Fast-Track approvals process, without any real regard or attempts to work through and address the findings of the Supreme Court with us and after an almost decade long battle against seabed mining in our rohe, to be an extreme slight on our Ngaa Raurutanga.

OUR VISION FOR THE CONTINUED EXERCISE OF NGAA RAURUTANGA

99. If approved, the proposed deep seabed mining in the South Taranaki Bight by Trans-Tasman Resources (wholly owned by Australian company) would create, and contribute to, the lost opportunity for Te Kaahui o Rauru to pursue *sustainable* and *intergenerational* economic growth for the benefit of our uki.

Impacts of deep seabed mining on our Ngaa Raurutanga within the context of existing interests, activities and climate change

100. Deep seabed mining is an extractive industry without regard to the material (including sediment plume) that is spat back out into our taiao. There is no restoration, only discard. As a predominantly coastal iwi, the sediment plume that will result in the moana, and be fed back into our awa, is a serious concern.
101. One of the live conversations we are having as an iwi is climate change adaptation and mitigation. In order to support our whaanau, hapuu and wider iwi in these discussions, we have developed *Ka mate kaainga tahi, ka ora kaainga rua – the Ngaa Rauru Kiitahi Climate Change Strategy* (published in December 2021).
102. In the context of climate change, the whakatauaakii “ka mate kaainga tahi, ka ora kaainga rua” (when a place of abode retires, another as prepared, emerges) refers to notions of preparedness, agility, resilience and forward thinking. Te Kaahui Rere is one of the earliest examples of ‘kaainga rua’,

per Williams J and [332] per Winkelmann CJ. Williams J at [297] (with whom Glazebrook J agreed) wished to make explicit that these questions must be considered not only through a Pākehā lens.

where our tuupuna flew from place to place, sometimes alighting on the tops of mountains and other times moving to islands at sea (Kingi, 2005).

103. Within the environment there are many examples of 'kaainga tahi, kaainga rua'. From the migratory patterns of certain birds, tuna and fish species that move between countries and regions depending on the weather conditions to our tuupuna who were also agile and often had more than one place of abode, moving according to food sources and weather patterns.
104. Within the current and future climate context the notion of kaainga rua is represented in the way our current environment will change, to present a new working environment, represented by different environmental conditions – kaainga rua. Some of our communities will need to be relocated due to flooding, this includes marae.
105. By way of example, eleven (11) of our 12 marae have close proximity to the coastline. Due to climate change, we are having very real and difficult conversations about whether we consider moving marae from Kai Iwi either further down the coastline and/or inland. This is the reality of how climate change is impacting us – as ahi kaa – our identity as Ngaa Rauru Kiitahi, and the continued exercise of Ngaa Raurutanga as a predominantly coastal iwi.
106. In addition to this, under Taane-mahuta some forms of flora, fauna and species will no longer suit the projected climate patterns and will potentially require a kaainga rua. Fish species will move from warming oceans to cooler southern waters. Our freshwater supplies and those species that we harvest will also be disrupted requiring new pathways.
107. Despite such challenges, we are able to converse about the impacts on our coastline and try to find pragmatic solutions to ensure the sustainability and well-being of our uki. In doing so, we have demonstrated our staunch commitment to our Ngaa Raurutanga and will continue to do so. Preparing our 'kaainga rua' means (re)aligning our people to embrace change, adopt forms of adaptation and lower emissions to forge those pathways necessary for our Ngaa Rauru future.

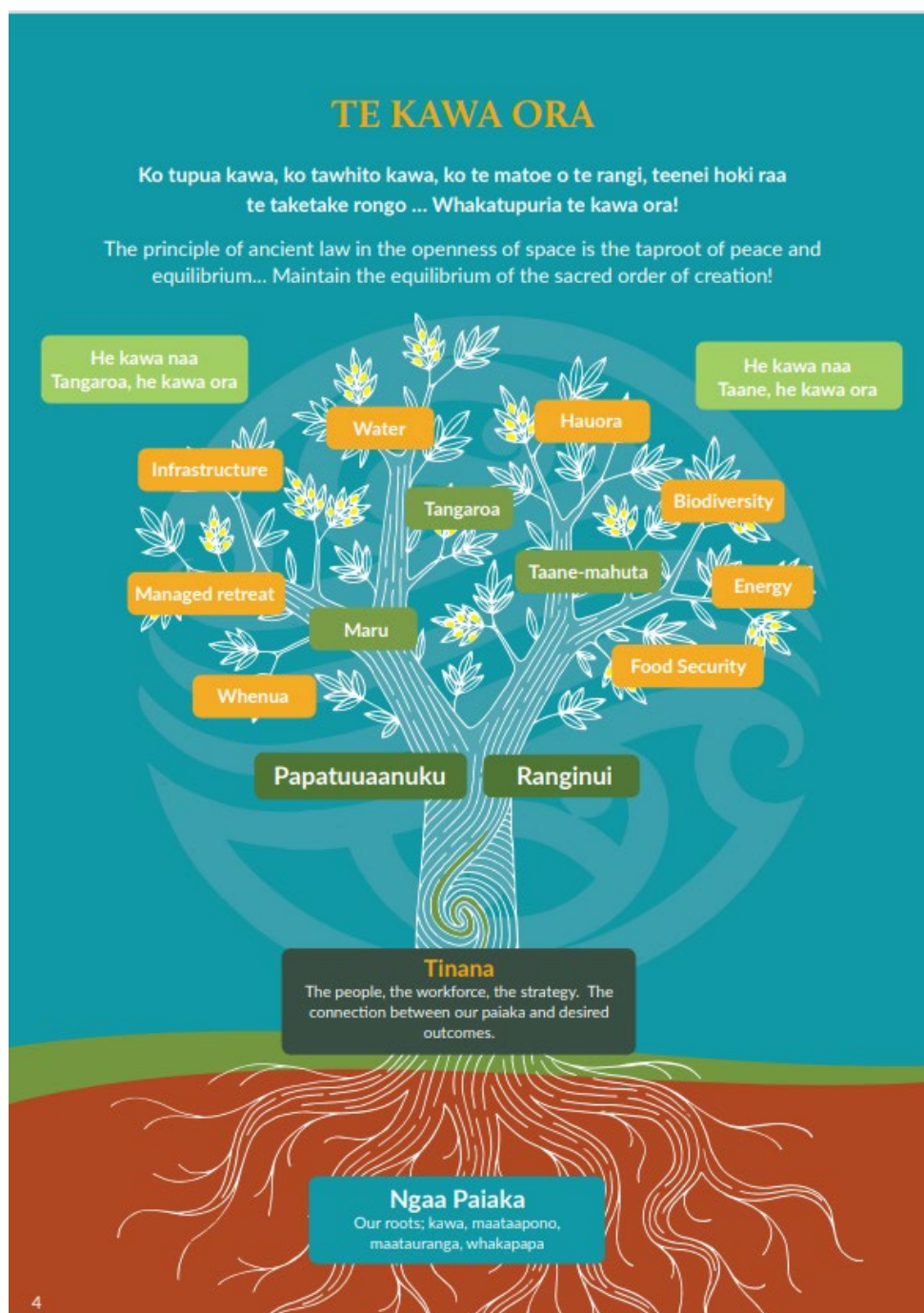
Ngaa Raurutanga response to climate change

108. The distinctiveness of our cultural systems is represented in our Te Kawa Ora framework within our climate change strategy. Te Kawa Ora is comprised of:
- (a) Peka, referring to the outer branches that stem from the kaupeka (main branches). The main branches represent the atua domains within which the key priority areas reside. There are eight (8) key peka – prioritised climate-action areas: biodiversity; food security; water managed retreat; whenua; infrastructure; energy; and hauora.
 - (b) The tinana (body of the tree) refers to the workforce, the people, and the strategy, which are all central to achieving what we intend – the planned advancement of climate action. Our proposed actions under each peka are guided by our Ngaa Raurutanga kawa, tikanga, whakapapa, maatapono and maatauranga-aa-iwi, which form the root system of the tree.
109. The symbolism of the tree refers to the feats of Taane-mahuta, who was responsible for separating the parental bodies, represented as the sky and the earth, to allow the light to come in. Taane-mahuta, or Taane-aa-rangi as he was also known, ascended to the highest realms upon the separation of Papatuuaanuku and Ranginui. There he gathered various forest species to bring to this world. In our narrative Taane-mahuta is the guardian of the birds and forest.
110. Tangaroa is the domain of the sea. This domain is larger than the global land mass and plays a significant role in sequestering carbon. The whales, the coral reefs and the various species of this domain will be impacted by climate change. We know that the ice in the Arctic and Antarctic circles is melting due to warmer temperatures, which is causing sea level rises and release of pollutants back to Ranginui.
111. Maru is known as the guardian of wai Maaori – freshwater. Degradation to Maru is self-degradation, particularly through purposeful pollution. The rivers and waterways are places where our mokoupuna swim and where we gather food. Old narratives from our Kuia speak of how there was an abundance of whitebait, tuna, water, freshwater koura, and watercress in our waterways.

She retells how whanaau from up the river used to frequent the rohe to fill their kete. Abundance is her childhood memory – always having access to kai in the waterways, rivers and beyond, in ways where there was plenty for all.

112. As Ngaa Rauru Kiitahi we are seeking a return to an abundance, where greed and unwarranted behaviours and practices that destroy our environment give way to a greater need to work in harmony and to be in balance through restorative, regenerative and protective practices within ourselves and within the dominion that we have as an iwi. We choose to have a safe place for our mokopuna, our future.

113. This is set out diagrammatically below:³⁷



Overview of the Trust's existing operations within the Ngaa Rauru Kiitahi rohe

114. We understand that the overarching purpose of the Act is to “facilitate the delivery of infrastructure and development projects with significant regional or national benefits”.

³⁷ KA MATE KAAINGA TAHI, KA ORA KAAINGA RUA: The Ngaa Rauru Kiitahi Climate Change Strategy (2021) at 4.

115. In our view, this Application has not demonstrated that it brings significant regional or national benefits given the existing interests already at place in our rohe. Our position is that, if the Application is granted, this would result in a lost opportunity for Te Kaahui o Rauru and our existing community to both maintain and to deliver our own regional and national interests – such an outcome, if produced, would be contrary to the purpose for which the Act is trying to achieve.
116. Our approach to delivering regional and national economic benefit is measured, calculated and intergenerational. We work with our community to try and ensure that development in our rohe is sustainable and takes a long-term view. We are not necessarily opposed to development projects, provided that appropriate safeguards are put in place that reflect, and continue to support, the exercise of Ngaa Raurutanga (which encompasses ngaa maataapono such as tiakitanga, which ensures the protection of the places, natural resources, taonga and its uki, and the mouri of those places, resources, taonga and uki). Therefore, development must be sustainable and, as a corollary, restoration must be reciprocal and adaptive in nature. In contrast, the Application does not provide for this.
117. Within our rohe, we are primarily concerned with building our capability and capacity to create our own economic opportunities that, in turn, improve the health and wellbeing of our people and te taiao.

Intergenerational and sustainable economic development within our rohe

118. Since the establishment of the Trust as the PSGE for Ngaa Rauru Kiitahi, our operations are guided by our mission “Whakatipungia Ngaa Rauru Kiitahitanga” and the Trust has continued to:
- (a) exercise Ngaa Raurutanga in respect of the Ngaa Rauru Kiitahi rohe, inclusive of the whenua and the moana;
 - (b) seek to protect our taonga within our rohe; and
 - (c) sustainably utilise our whenua, moana, taonga and other resources within our rohe for the benefit of Ngaa Rauru Kiitahi uki and future generations.

119. Our current operations that advance our Ngaa Raurutanga in this regard include, but are not limited to:
- (a) our commercial fishing interests in Te Pātaka o Tangaroa and Te Pātaka o Rauru;
 - (b) ongoing efforts to re-connect uki to the whenua and marae, including awarding over 50 education scholarships for secondary school, undergraduate and postgraduate study to uki each year in 2023 and 2024, and hosting several te tipuranga and puutaiao wānanga;
 - (c) sustainability initiatives, including the delivery of over 30,000 plants in 2023, implementation of our Waitootara Catchment Plan, Freshwater Monitoring Framework (which is near completion), undertaking a review of our Environmental Management Plan, and supporting whale strandings in our rohe; and
 - (d) supporting infrastructure development within our rohe, including an investment in 20.49km fencing for our community in 2023.
120. There are many examples of sustainable economic activities within our rohe that do not pose the level of cultural, environmental and physical threat as deep seabed mining, which the Application is exclusively concerned.

Fisheries industry

121. By way of example, Te Ohu Kaimoana (**TOKM**) have stated that the Application, if approved, will be at risk of undermining the 1992 Treaty of Waitangi Fisheries Settlement. This settlement recognised that Māori customary interests in fisheries include commercial and non-commercial aspects. For the purposes of our submission, the Trust is the relevant mandated iwi authority that currently holds settlement quota for and on behalf of Ngaa Rauru under the Māori Fisheries Act 2004.
122. There are currently four approved Pātaka that operate across the South Taranaki Bight – two of which service customary fishing interests of seven iwi across Te Tai Hauāuru. Additionally, further pātaka are currently being sought by Taranaki Iwi.

123. Te Kaahui o Rauru are affiliated to two (2) pātaka that operate within the South Taranaki Bight: Pātaka Whata and the Deepwater Pātaka Pilot. In particular, Te Kaahui o Rauru are actively involved in the establishment of the Deepwater Pātaka, which is being developed in collaboration with other iwi, Sealord, Moana New Zealand Ltd and TOKM. This pātaka specifically focuses on deepwater species in the South Taranaki Bight – directly relevant to the impacts of this Application, if approved.
124. We consider that our fisheries settlement quota and our associated pātaka will be at risk of being adversely impacted by the Applicant's deep seabed mining that is proposed to take place in the South Taranaki Bight within that fisheries management area. We firmly agree with the observations made by TOKM to that effect, in particular that:

50. If seabed mining reduces the productivity or sustainability of the fisheries tied to that quota, iwi cannot offset or mitigate their losses by divesting. Instead, any negative effect on the fish stocks flows directly into the value of iwi settlement assets. With no market mechanism available to recover that value, the financial consequences of seabed mining becomes unavoidable and disproportionately shouldered by all iwi holding quota interests in an impacted area.

51. This issue also raises the FTA section 7 breach given TTR's the application poses a direct risk to the iwi quota in the STB, which is a core component of the Fisheries Settlement, the granting of approval would ultimately undermine the integrity of the Settlement itself.

125. Given the nature of our fisheries settlement quota within the South Taranaki Bight, we consider that the Application, if approved, risks culminating in a breach of section 7 of the Act. In particular, we believe that exercising the power to grant the approvals sought in the Application would not be consistent with the obligations arising out of the 1992 Treaty of Waitangi (Fisheries Claims) Settlement Deed and Act and the Māori Fisheries Act 2004.

Wind energy developments

126. Another alternate case study in this regard is our promotion of energy freedom for Ngaa Rauru Kiiitahi. In a region where there are high winds, predicted extreme weather conditions and a turbulent west coast sea we aim to use the opportunities available to capitalise on alternative energy options

(solar, water and wind). Our goal is to produce renewable energy for distribution to our iwi and for market sale. Specifically:

- (a) Our whaanau, hapuu, marae and businesses have the knowledge and resources to ensure their needs are provided for, while using best-practice energy-efficient options that are affordable.
- (b) To ensure that our rights and interests, including our continued exercise of Ngaa Raurutanga, are recognised through developed and strengthened relations in the energy sector.
- (c) We have developed our capacity and capability in this field through targeted leadership development programmes.
- (d) We have developed our businesses in ways that capitalise on alternative energy options (solar, water and wind).
- (e) We have developed relations with key research bodies to build research pathways to assist us with our decision-making processes.

127. As an iwi we need to create affordable energy efficient pathways for our people, marae, buildings, and businesses. If we neglect to do so we will place our own at further risk of being unable to adapt and to reduce emissions. We understand the links between affordability, socio-economic and sociocultural wellbeing. Without alternative options for our whaanau, hapuu and iwi we are limiting our capacity and capability.
128. Specifically, we recognise that affordability constraints will impact on our ability to participate in the broader regional and national communities. In that respect, we acknowledge that under-developed relations with energy companies will cause developments to occur that neglect our rights and interests – risking our Ngaa Raurutanga.

CONCLUSION

129. There are many pathways to sustainable and intergenerational economic development within our rohe that exist and should be further promoted and explored.

130. What is clear to us is that the purported (and in our view negligible) economic benefit of deep seabed mining will occur at the expense of our taiao and therefore at the expense of our Ngaa Raurutanga. The lack of effort, engagement and regard shown by the Applicant for Ngaa Rauru Kiitahi, for Ngaa Raurutanga and for our moana for over a decade is alarming and gives us no confidence in the future of this project.
131. Our position therefore remains that the only possible conclusion is for the Application be declined.

DATED this 6th day of October 2025

