



**Te Pouwhenua o Tiakiriri Kūkupa
Trust Board**

17 June 2026

**Patuharakeke Trust Board
Po Box 557 - Whangārei**

Tēnā koe e Deb Harding

Re: Public Misrepresentation of Hapū Decision-Making – Fast-Track Sand Extraction Application

I write as Chair of Te Pouwhenua o Tiakiriri Kūkupa Trust (“Trust”), which holds a Mana Whakahono ā Rohe statutory agreement with Northland Regional Council on behalf of Te Parawhau ki Tai since 2024 and manages our Resource Management Unit.

We are writing to address public mischaracterisation of the Trust’s decision-making on the McCallum Bros Limited (“MBL”) Fast-track Approvals Act application to extract sand from Paepae Atua, Bream Bay.

Background

The Trust is a statutory participant in MBL’s application for resource consent and wildlife approvals to extract sand from an area approximately 4.2km off the Bream Bay shoreline.

Communications circulated to Te Parawhau Marae and affiliated hapū frame our Cultural Impact Assessment (“CIA”) as straightforward support for sand mining for our benefit, while others suggest our hapū name will be remembered for supporting environmental destruction, and call on uri to mobilise publicly against our position.

We welcome open debate within our hapū. But we ask that this debate not become a vehicle for misrepresenting Te Parawhau ki Tai’s considered decision-making. We set out below the strategic context for our decision to engage with MBL’s application.

The Fast-track Approvals Act 2024 (“FTAA”)

The FTAA is not a standard RMA consenting process. It is designed to expedite approval of projects with significant regional or national benefit, and the legislation presumes in favour of approval. Its structure differs from the RMA in ways that directly limit tangata whenua options:

- It bypasses standard environmental assessment and removes public consultation rights.
- The Panel is not required to act consistently with the broader principles of the Treaty of Waitangi, beyond existing Treaty settlements, MACA-recognised customary rights, and specific Ngāti Porou legislation.
- Tangata whenua have no veto right under this legislation, regardless of cultural, spiritual, or environmental significance. Active MACA claims, kaitiakitanga obligations, and whakapapa connections to an area are factors the Panel may consider, but they cannot stop a consent being granted.
- Decision-making sits with an expert consenting Panel, who is not a consent authority, and must have regard to Government policy and the Minister’s reasons for already accepting the project referral under the FTAA.
- The Panel’s grounds for declining approval are narrow and limited to adverse impacts disproportionate to regional or national benefit.



**Te Pouwhenua o Tiakiriri Kūkupa
Trust Board**

- There is no right of appeal to the Environment Court. High Court appeal is limited to questions of law and is available only to specified persons. Judicial review is available only on process grounds and at significant cost.

The Question Before the Trust

Given this framework, the question was not whether to support or oppose the application. It was given that this consent will, in all likelihood, be granted under the FTAA, what course of action delivers the greatest actual protection for our hapū, our taiao, and Paepae Atua?

Consequences of Opposition or Non-Engagement

Had the Trust filed an opposing CIA, or none at all, the likely practical consequences:

- The Panel would hear MBL's application regardless, with MBL's own independent expert reports collectively stating a low to minimum environmental impact, would stand largely uninfluenced by any hapū-grounded cultural framework.
- The Panel would lack an enforceable hapū cultural framework to establish consent conditions. Conditions would default to whatever MBL proposed or NRC recommended, with no Te Parawhau ki Tai cultural architecture embedded within them.
- Our active MACA claims over Paepae Atua would have no explicit protection as a condition of consent, and MBL would have no formal obligation to avoid undermining them over the 35-year consent period.
- MBL could argue that the absence of an engaged CIA suggests that cultural effects are manageable without additional conditions, weakening any future challenge that could only be appealed on questions of law.
- There would be no side agreement, relationship agreement, economic benefit, monitoring role, scholarship fund, Hapū Wellbeing Fund, or hapū-controlled adaptive management triggers.
- Any judicial review would face an extremely high threshold (process error, not substantive harm) at significant cost and risk to our hapū.

Lessons from Pakīri and Whangārei Harbour

Pakīri is instructive: the community that opposed extraction there fought for decades and ultimately prevailed in the Environment Court in 2024–25, but only after generations of extraction had occurred, at enormous cost to those who fought it. Opposition alone, within a process designed to approve, does not protect the environment; it means the sand is taken while litigation proceeds.

In 2018, NZ Refining Co. removed 250,000m³ of sand from Whangārei Harbour with support from Ngāti Wai, who also benefited financially from the Pākiri sand extraction and from NZ Refining Co.'s sand removal. Patuharakeke and Te Parawhau opposed this and negotiated a side agreement to ensure environmental protections, achieved through engagement rather than protest, and resulting in enforceable obligations on Channel Infrastructure as it is known today.



**Te Pouwhenua o Tiakiriri Kūkupa
Trust Board**

Conditional Support by the Trust

Our CIA is not a blank endorsement of sand extraction. It is a carefully constructed instrument securing enforceable protections that would not otherwise exist, including:

- A legally binding side agreement and relationship agreement with MBL, independent of consent conditions, requiring MBL to adopt and give effect to a full suite of mahi whakaora as determined by the Trust, for the life of the project.
- Enforceable consent conditions embedding Te Parawhau ki Tai tikanga, cultural induction requirements, a Māhere Tikanga Plan, and an Accidental Discovery Kaupapa.
- Co-designed environmental monitoring, with Te Parawhau ki Tai monitors resourced, trained, and present throughout the project, with the ability to trigger additional monitoring at any time.
- Explicit protection of our active MACA claims as a specific condition of consent, ensuring that sand extraction cannot proceed in any manner that undermines or prejudices those claims. This protection would not exist if we had not engaged.
- Economic arrangements including employment and enterprise pathways, environmental and marine science scholarships for our members, and a Hapū Wellbeing Fund for whānau ora, health, housing, marae, and cultural revitalisation.
- Adaptive management triggers co-controlled by Te Parawhau ki Tai, including the ability to pause or modify activities if monitoring identifies harm.
- Shellfish re-seeding enhancement programmes and other marine-related opportunities.
- Provisions binding any future consent holder, protecting our interests if MBL sells or transfers its interest.

None of these protections are achievable through opposition alone. They exist because the Trust engaged in negotiations and entered into an enforceable agreement.

Our Position

This is not the response of a Trust indifferent to the Taiao, or one that supports extractive industry uncritically. It is the response of a Te Parawhau hapū organisation using every available tool – legal, commercial, cultural, and strategic – to protect our whenua and our people. In the Fast-track context, engagement with MBL was the only tool available to the Trust with real protective power.

The FTAA creates an impossible position for tangata whenua: principled opposition is structurally ineffective, yet engagement can be characterised as endorsement. That is a consequence of the legislation, and concerns about it are better directed at the FTAA than at our hapū organisation. The Trust is navigating these constraints as best it can, with the resources available, and at the cost of time better spent on the aspirations of our uri.

Public commentary portraying the Trust as complicit in environmental harm, without acknowledging this structural context, does not serve the Taiao. It damages the mana of Te Parawhau, its hapū, and undermines the organisation that is in the room securing protections for Paepae Atua.

Closing

We do not write this lightly or out of anger. We respond to acknowledge the harm and to offer a different way forward, to mend each Trust's mana and observe our respective mana motuhake to decide how they exercise



**Te Pouwhenua o Tiakiriri Kūkupa
Trust Board**

kaitiakitanga. We have read the evidence submissions from Patuharakeke and we are not confident they are sufficient to stop the project, yet we observe the mana of the hapū to observe their own assessments. Ultimately, the Panel will adjudicate.

We are disappointed Patuharakeke Te Iwi Trust did not give us notice to attend the Fast Track Panel pōwhiri, notice of the urgent kaumātua hui held on 24 May 2026 at Takahiwai Marae, or the opportunity to kōrero ā-kanohi. We have raised these concerns with the Panel, and they will be discussed further.

We remain, as do you, deeply committed to the protection of Paepae Atua, the mauri of the takutai moana, and the wellbeing of Te Parawhau across generations. We believe engagement with MBL is the best course available to us to protect the Taiao and our shared values.

Nāku noa

**Pari Walker
Chairman
Te Pouwhenua o Tiakiriri Kūkupa Trust
Whangārei, Northland**