BEFORE THE TARANAKI VTM PROJECT EXPERT PANEL **[FTAA-2504-1048]**

UNDER THE Fast-Track Approvals Act 2024

IN THE MATTER OF approvals sought by Trans-Tasman Resources Limited

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AFFIDAVIT OF HAIMONA CHRISTOPHER MARCUS MARUERA ON BEHALF OF TE RŪNANGA O NGĀTI RUANUI TRUST

Dated: 21 October 2025

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I, **HAIMONA CHRISTOPHER MARCUS MANUERA** of Ashhurst, Tumu W'akaae, **swear**:

1. I am the Tumu W'akaae of Te Rūnanga o Ngāti Ruanui Trust. This means that I chair the Trust Board.

2. I have been the Tumu W'akaae since 2014 and have been a board member since 2006. I am an uri (descendent) of Ngāti Ruanui and affiliate to the hapū of Ngāti Tupito.

3. In this brief of evidence, I provide some perspectives on Ngāti Ruanui tikanga as it relates to the application and the effects of the proposed mining.

Ngāti Ruanui

4. Ngāti Ruanui has an unbroken connection to the whenua and moana of South Taranaki that goes back more than 700 years.

5. The origins of Ngāti Ruanui are expressed in this saying:

Ko Aotea te waka

Ko Turi te tangata ki runga

Ko Taranaki te maunga

Ko Waingongoro te awa

Ko Ngāti Ruanui te iwi

Aotea is the canoe

Turi is the ancestor

Taranaki is the mountain

Waingongoro is the river

Ngāti Ruanui is the tribe

6. Turi lived in Tahiti before settling on Rangiātea, a few hundred kilometres away. But Turi came into conflict with another rangatira, Uenuku. Turi's son, Uenuku's son and Uenuku's brother were killed.

7. It was then that Turi decided to voyage to Aotearoa. Turi and a party of 33 departed Rangiātea in the dead of the night in the waka *Aotea*. At Rangitāhua in the Kermadec Islands they picked up many of the crew of another waka, *Kurahaupō*, which had been damaged on a reef.

8. The *Aotea* made final landfall at Kāwhia. Turi then travelled to Pātea, which he recognised by a pou that Kupe had left for him. On the south bank of the Pātea River he built a pā and a whare to house taonga he had brought with him. He also planted the first kūmara crops in a nearby field.

9. Ngāti Ruanui takes its name from two ancestors. Ruanui-a-Poukiwa was the grandfather of Rongorongo, Turi's wife. But Ngāti Ruanui usually traces its descent from Ruanui-a-Tāneroroa. He was the son of Turi's daughter Tāneroroa, who married Uenuku-puanake of the *Takitimu* waka.

10. One of the earliest encounters between Ngāti Ruanui and Europeans was when the ship *Harriet* was shipwrecked near Rahotu in 1834. Some crew were killed and the rest of those on board were taken captive. Some were released on the promise that they would return with a ransom of gunpower to secure the release of the rest of the prisoners. But instead a British warship attacked Ngāti Ruanui and torched Te Namu Pā.

11. Missionary activity began with Māori converts who returned to South Taranaki in the late 1830s and continued with the arrival of European missionaries in the early 1840s.

12. Te Tiriti o Waitangi/the Treaty of Waitangi was not taken to South Taranaki for signing and therefore Ngāti Ruanui never agreed to it. During the 1840s Ngāti Ruanui and its hapū continued to manage their affairs and developed economically, building flour mills and selling wheat, potatoes and pigs.

13. New Zealand Company agent Edward Jerningham Wakefield visited Pātea in March 1840 and Robert Stokes led a survey party to Taranaki later in 1840. The New Zealand Company later claimed ownership of lands in the area based on deeds signed with members of other iwi.

14. Ngāti Ruanui was renowned for its opposition to land sales. Government officials who travelled to the area in the 1850s reported that nothing would induce Ngāti Ruanui to sell its land. In the mid-1850s Ngāti Ruanui was involved in some fighting related to disputed land sales by other iwi in Taranaki.

15. In 1859 Te Teira Manuka of Te Ātiawa purported to sell land at Waitara to the Crown, despite opposition from other owners. Some members of Ngā Rauru also purported to sell land at Waitōtara, which was within the area that Ngāti Ruanui has vowed would never be sold.

16. The Crown's determination to enforce the Waitara purchase led to the outbreak of the Taranaki War in 1860. Ngāti Ruanui actively participated in this war.

17. In 1865 Governor George Grey issued a proclamation confiscating all lands between the Whanganui River and Parininihi in northern Taranaki. In December 1865 and January 1866 the Crown's forces waged a brutal campaign that destroyed at least eight pā and 20 villages in South Taranaki. Most were Ngāti Ruanui. A further bloody campaign took place later in 1866, with a number of villages being destroyed.

18. Ngāti Ruanui continued to oppose the confiscation of its land. In 1868 and 1869 Riwha Titokowaru of Ngāruahine, Ngāti Ruanui, and Ngā Rauru led against the colonial troops. After the war, many of those captured were exiled and imprisoned.

19. Ngāti Ruanui was deprived of most of its land. The lands that remained were those granted by the Crown as reserves or through the Compensation Court to members deemed to have been loyal to the Crown, as well as some inland lands beyond the area of the confiscation. But the Crown ultimately purchased most of the land granted by the Compensation Court, as well as some other (mostly inland) land.

20. Ngāti Ruanui had some coastal reserves and continued to exercise customary fishing practices.

21. In 1926 a Royal Commission was established to report on the raupatu that had occurred in the 1860s. The Sim Commission acknowledged the injustices that had occurred in Taranaki and recommended that recommended that £5000 be paid annually to a board for the benefit

of the members of the iwi whose lands had been confiscated. Ngāti Ruanui believed that land should be returned instead of money and that the amount of money was, in any case, insufficient. But in 1944 the Taranaki Maori Claims Settlement Act provided for an annual £5000 payment to the Taranaki Maori Trust Board.

22. The Waitangi Tribunal heard claims regarding the Taranaki Raupatu between 1990 and 1995. It reported in 1996. Ngāti Ruanui signed a deed of settlement with the Crown in 2001 and the Ngāti Ruanui Claims Settlement Act was enacted in 2003. Ngāti Ruanui received commercial redress of $41 million, cultural redress and an apology from the Crown.

23. Further information about the history of Ngāti Ruanui can be found in a draft report prepared by Dr Vincent O'Malley for Ngāti Ruanui's claim under the Marine and Coastal Area (Takutai Moana) Act 2011. The hearing of this claim was due to commence on 17 February 2025, but this was cancelled after the Crown announced changes to statute and the funding for such hearings and claims. The report is annexed to this brief of evidence and marked '**HCMM-**1'.

General Comments

24. Kaitiakitanga is an important part of Ngāti Ruanui tikanga. Our kaitiaki responsibilities extend across our whole takiwā, including the moana. Our kaitiakitanga is guaranteed by te Tiriti of Waitangi and our Deed of Settlement.

25. Kaitiakitanga requires us to err on the side of caution where there are risks to the environment, so our tikanga has much in common with the Western concept of the precautionary principle and the approach that the Supreme Court said should be followed in considering this application.

26. Our relationship with the environment is based on whakapapa. The environment is not something separate from us. We are related to it and it is part of us.

27. This does not mean that we oppose all development or use of resources. We have supported development, even mineral extraction, when it doesn't threaten the environment and our relationship with it. We want jobs and economic development, but not at the price of our environment.

28. The Ngāti Ruanui kaitiaki role includes not only the duty to care for our descendants, the physical, natural, ecological wellbeing of the place or resource, but also to protect and nurture the mauri of taonga. In order to uphold mana, as kaitiaki, Ngāti Ruanui must do all in our power to restore the mauri of the taonga to its original strength. We take our kaitiaki responsibilities very seriously. The penalties for not doing so can be particularly harsh. Apart from depriving the whanau or hapu of the life sustaining capacities of the land and sea, failure to carry out kaitiakitanga roles involve death or harm will come to members of the whanau or hapu. In specific terms, each whanau and 16 hapu are kaitiaki for the area over which they hold mana w'enua (ancestral lands and seas). Our responsibilities are based in ancient tribal identity and the ancestral connections within our tribal area. For Ngāti Ruanui, to be a kaitiaki means looking after one's own blood and bones literally.

29. The sea is a source of mahinga kai for the hapu and descendants of Ngāti Ruanui. The mouth of the Patea River is where our descendants launch their fishing boat. They catch mostly snapper, blue cod, lemonfish, and kahawai.

30. The coastal and marine environment is of utmost importance to Ngāti Ruanui as it encompasses a diverse and changeable range of ecosystems. The coastal and marine environment includes coastal wetlands, estuaries, and sand dunes, encompassing the foreshore and seabed extending to the 200 nautical mile Exclusive Economic Zone (EEZ) and Extended Continental Shelf (ECS).

31. Ngāti Ruanui well-being are influenced by a complex combination of cultural beliefs, values, and uses; a history of alienation from our tribal territory; and a diverse set of cultural practices and interactions with western values. Ngāti Ruanui believes that all parts of the environment are related to one another and exist within a mutually interdependent whole. The holistic concept of the natural and physical system and resources including the intangibles, governs Ngāti Ruanui values. Recognising cultural-heritage landscape framework not only represents historic patterns but can act as a record of kinship linking our culture and ecosystems with our identity and well-being. Ngāti Ruanui place-focused sense of cultural well-being is applied to this application Ngāti Ruanui believes that it is not only the physical landscape that is being affected, but also the historic heritage, collective meanings, memories, and identities that the landscape holds

for our cultural values. The wairuatanga and whakapapa are going to be impacted upon by having the area superimposed by activities that are significantly detrimental and move substantially away from accepted and appropriate use of the ocean.

32. Customary use of coastal waters and the wider oceans are evident in Ngāti Ruanui traditional songs and stories. For example, near Patea is Parara ki Te Uru, Patea Beach, a well-known site (recorded in the song 'No Runga') where ancestors Turi and Rongorongo sustained their hapu by growing gardens and gathering seafood including pupu in the mudflats. Further up the coast is Whitikau (a fishing village) where Turi and Rongorongo daughter Taneroroa lived sustaining the next generation of the hapu. Manawapou, further along the coast is a significant waahi tapu where the Wharenui Manawapou was built to host the meeting of the Rangātira from where the w'akatauaki 'Te Tangata Too Mua, Te W'enua Too Muri' was derived.

33. Mauri is negatively impacted by discharges to the oceans. It is the preference of Ngāti Ruanui to end all discharges to Tahuaroa that are created by the activities of mining. This is a cultural responsibility for the iwi despite discharges being discussed and debated by western scientific views. Such discharges are culturally unacceptable for the iwi.

34. Further, seabed mining is a form of confiscation from Ngāti Ruanui. Associated activities have subsequent impacts on customary areas, its cultural landscape, and taonga species (among other impacts). Therefore, as Treaty partner, the iwi seeks to exercise its rangātiratanga and protect its rights and interests.

35. Seabed mining has the potential impact of further confiscation to Ngāti Ruanui and we will continue to exercise our right as Treaty Partners to protect those rights.

36. The objectives of Ngāti Ruanui for the coastal and marine environments include the duty to:

- Minimise negative impacts on the coastal and marine environments.
- Minimise negative impacts on aquatic life forms, marine birds, and mammals.

- Traditional knowledge systems are acknowledged and protected.
- Protection of customary fisheries.
- Acknowledgement of mahinga kai through local planning documents.

Approach to this Evidence

37. We have never prepared a cultural impact assessment for this application. This is because we were not provided all the information and the assessment of effects that TTR had done was inadequate because they refused to do baseline surveys. We do not do cultural impact assessments unless we have all the information we need to make an informed assessment.

38. Despite the inadequacy of TTR's evidence and assessments, and because we want to assist the expert panel, we have provided some indications of our perspective on tikanga, based on the findings of fact of the 2017 DMC, which heard from both TTR's experts and others. While the Supreme Court made it clear that decision was incorrect in its overall conclusion, its factual findings appear to provide some basis for the current reconsideration.

39. We set out below some findings on effects from the DMC majority that illustrate the impacts on Ngāti Ruanui's tikanga and kaitiaki role. We comment in turns on how the various effects impact Ngāti Ruanui's tikanga and kaitiaki role and the significance of these impacts.

40. The DMC majority said at [724] and repeated at [939]:

> *The highest levels of suspended sediment concentration will occur in the coastal marine area offshore from Ngāti Ruanui's whenua. There will be severe effects on seabed life within 2 – 3 km of the project area and moderate effects up to 15 km from the mining activity. Most of these effects will occur within the CMA. There will be adverse effects such as avoidance by fish of those areas. Kaimoana gathering sites on nearshore reefs are likely to be subject to minor impacts given background suspended sediment concentrations nearshore.*

41. The sea is a source of mahinga kai and therefore the impact will be significant. Where avoidance of areas by mahinga kai species or related species occurs, this is not considered minor.

42. At [942] the DMC majority said:

> *We acknowledge there will be significant impact on kaitiakitanga, mauri, or other cultural values. A significant physical area will be affected, either within the mining site itself, or through the effects of elevated SSC in the discharge. Iwi identified other relevant effects such as the impact of noise on marine mammals as being of concern.*

43. Ngāti Ruanui considers the moana itself as a living entity which has a mauri or life force that is a taonga. The Māori worldview of the term mauri is interwoven with Māori values, principles, ethics, such as whakapapa, and the spiritual interconnected qualities of tapu, mana, mauri, and wairua. It forms an important basis for the practice and responsibility of kaitiakitanga. Mauri is an integral concept which includes the opportunity for cultural and environmental monitoring, but not exclusively so. It depicts how Māori observe, experience, and interpret the world and its changes. Mauri is commonly described as the essential essence or internal element, a life principle, which permeates through all living and non-living things and sustains all forms of life. Everything has mauri proportions of spiritual and physical state and therefore resources can be damaged physically and spiritually.

44. The moana is rich with other marine taonga, including a seafood resource used by tangata whenua and by recreational fishers and a habitat for marine flora and fauna, ranging from simple bottom dwelling organisms (benthic biota) and phytoplankton, through plants like sponges and seaweed, up to 13 different cetacean species, including internationally endangered blue whale and nationally critical or endangered Southern right whale, killer whale, and Maui's dolphin.

45. It is found by Ngāti Ruanui that based on the activities of the applicant that the mauri of the moana and its whānau through whakapapa will be negatively impacted. This is unacceptable to Ngāti Ruanui.

46. At [404]-[406] the DMC majority said:

Outside the actual mining site, we understand and accept that elevated SSC in the water column and deposition of sediment on the seafloor will have some adverse effects. There may be smothering of some organisms, or effects on their respiration. Light may be reduced to the extent that it affects the production or quality of biomass (we also address this earlier in our findings on oceanic productivity). However, we accept the agreed position of the expert conferencing that macroalgal growth on reefs closer than 5 km from the mining area may be inhibited at times, but there is negligible risk of it being destroyed.

47. The cultural effects of discharging contaminants from a person-made structure into the realm of tahuaroa comes with it the impact of causing mamae to the interconnectedness of the whanau created through the purity of the tahuaroa.

48. At [405]-[406] the DMC majority said:

> *Within the near-field, modelling of accumulated deposition needs to be treated with some caution and could be up to five times greater than the predicted level. The maximum predicted rate of accumulation within the near-field area (up to 3 km from the source) is 1.1 mm/year200 and therefore could be up to 5.5 mm/year. The benthic community within 2 to 3 kilometers of the site is likely to be significantly impacted by sediment deposition.*
>
> *We consider that the potential for effects associated with a combined change in both deposition and SSC should be closely monitored. This is especially the case for potential effects on ecologically sensitive areas or valued ecosystem components. In this regard, we are concerned for effects at locations demonstrated to have a rich and diverse benthic fauna, such as The Crack and The "Project Reef".*

At [436] the DMC majority said:

> *We consider that the addition of SSC from the sediment plume will place stress on natural systems, including fish, and that the effect will be felt most in areas close to the site.*

> *Areas affected by the sediment plume are likely to include important locations such as The Crack which is within 5 – 8 km of the mining area, and Graham Bank, which is around 20 km downcurrent of the mine. Based on SSC avoidance thresholds for fish provided to us by Dr MacDiarmid, we consider that the effects may include either temporary or permanent displacement of species.*

At [968] the DMC majority said:

> *We conclude that effects on primary productivity will be within the interannual range of variability at the scale of the STB. At the scale of the SMD, those effects may be discernible, but will not be significant. However, at a local scale effects on benthic primary productivity may be significant. The project will lead to average reduction in microphytobenthos across the SMD of 13% to 19%, with much higher reductions over the Patea Shoals closer to the mining site.*

49. Ngāti Ruanui expresses grave concerns about the reef system overall, the ability for the reef system to cope with sediment plum is not supported by robust ecological evidence. The precautionary principle both in law and traditional ancestral landscape is of utmost importance in this regard. The resources found within Te Moananui A Kupe have, since time immemorial, provided the people of Ngāti Ruanui with a constant supply of food resources. The hidden reefs provided koura, paua, kina, pupu, papaka, pipi, tuatua, and many other species of reef inhabitants. Apuka, moki, kanae, mako, and patiki swim freely between the many reefs that can be found stretching out into the spiritual waters of Te Moananui A Kupe and along the Ngāti Ruanui coastline.

50. Names such as Rangatapu, Ohawe Tokotoko, Waihi, Waokena, Tangahoe, Manawapou, Tauma'a, Manuta'i, Pipiri, Kaikura, W'itikau, Kenepuru, Te Pou a Turi, Rangitaaw'i, and W'enuakura depict the whereabouts of either a fishing ground or fishing reef.

51. At [972] the DMC majority said:

> *Within the mining site, there will effectively be a 100% loss of benthic fauna. The evidence we heard was that most of the benthic fauna within the mining site is short lived and will be re-populated by early colonisers from outside the site within a period of weeks to months and that some species may take several years to recolonise. We accept that there will be some*

effects on environmental sensitive areas or value ecosystem components.

52. The ability of uri of Ngāti Ruanui to access its ma'inga kai sites must be protected both formally and informally. The ability to have a close relationship with tāonga species, not only through the understanding of their whakapapa and life cycles through mātauranga Māori, but also through the ability to uphold manaakitanga in the rohe of the iwi. The value of these species extends beyond a means for sustenance but also as indicators for interpreting the natural and spiritual world. The mana of an iwi or hapū can be directly correlated to the foods laid at collective gatherings. A 100% loss of part of all of the food chain is unacceptable.

53. At [433] the DMC majority said:

> *Some localised loss or degradation of habitats will occur. A case in point in the eagle ray, which Dr MacDiarmid told us faces a moderate level of effect. The most suitable habitat for eagle ray, as modelled by NIWA and shown by Figure 4 of our record of decision, is centred within and near the mining area. Based on the ecological assessment framework used by Dr MacDiarmid (see Table 5 on page 32), a moderate effect on eagle ray means that between 5% and 20% of their habitat area will be affected. Moderate, on this scale, also represents a 5% to 20% change in the population, habitat or community components, without there being a major change in function.*

54. At [557]-[559] the DMC majority said:

> *When mining is at the far eastern end of the mining site, and during the limited periods when all noise sources are operating, the area of affected Southern right whale habitat will be around 300 km2 . That area represents around 43% of the approximately 700 km2 of potential Southern right whale habitat across the Patea Shoals.*
>
> *The risk of noise related behavioural impact will be similar for Hector's dolphin. Again, the risk will be greatest when mining is at the far eastern end of the mining site and all noise sources are operating ...*

For blue whale, the risk of behavioural impact will be greatest when mining is at the far western end of the mining site and all noise sources are operating (10% of the time). In that circumstance, around 700 km2 of the STB within the blue whale's minimum foraging depth will be affected...

At [561] the DMC majority said:

However, there may be a potential effect on orca through destruction or disruption of eagle ray habitat at and near the mining site. A substantial area of eagle ray habitat has been modelled within and around the mining site, including good habitat to the north which is unlikely to be affected by the mining operation. Other good habitat is thought to include much of the mining site itself and an area immediately to the east. Orca appear unlikely to feed directly on eagle ray near the mining site, preferring to hunt them during the ray's seasonal movement into shallower waters. A reduction, but not total loss, of eagle ray habitat may have a consequent effect on local seasonal food availability for orca.

At [579]-[580] the DMC majority said:

We conclude that there is a lack of detailed knowledge about habitats and behaviour of seabirds in the STB. It is difficult to confidently assess the risks or effects at the scale of the Patea Shoals or the mining site itself.

All the seabirds referred to by the experts are wide ranging and at the level of the STB there are likely to be few effects. We do not dismiss the potential for some effects at the local level. The birds are highly mobile and their location in time and space is driven by their habitats, breeding, and foraging, and may conflict with the mining operation.

55. As a result of these relationships, described above, when talking about impact on whakapapa, seabed mining can negatively impact the life cycle of benthic communities, water quality and pelagic species, marine animals, seabirds, and marine traffic is culturally abhorrent for Ngāti Ruanui.

56. Most of our marine bird species are threatened with, or at risk of, extinction, including species of albatrosses, penguins, and herons.

More than one-quarter of our marine mammal species are threatened with extinction, including the New Zealand sea lion and species of dolphins and whales. These animals have important roles in marine ecosystems and are tāonga (treasures) to Ngāti Ruanui. Their fragile state is due to multiple historic and present-day pressures, seabed mining will therefore be catastrophic. Endangered or critically endangered species have been identified within the STB: blue whales, humpback whales, killer whales, sperm whales, maui dolphins and blue penguins.

57. Many demersal fish (bottom associated) species support Ngāti Ruanui customary fishing rights. Demersal fish such as leatherjackets (20-50 metres along the whole South Taranaki Bight), golden mackerel, eagle rays and blue cod are known to Ngāti Ruanui and customary fishers to occur within the proposed exploration area and sandy habitats. Baracoutta, carpet sharks, gurnard, school shark, spiny dogfish, anchovy, snapper, rig, trevally, and tarakihi are commonly caught through the whole STB.

58. Rock lobsters (*Jasus edwardsii*) spend most of the year associated with subtidal reefs. However, according to Ngāti Ruanui traditional knowledge, in winter and summer larger (>1.5 kg) rock lobsters move offshore to depths more than 25 metres to feed on shellfish such as cockles or Tucetona species scallops (*Pectin novaezealandiae*) and horse mussels (*Atrina zelandica*). Customary fishing targets rock lobsters on these shellfish beds during winter and summer seasons.

59. Seabed mining will impact on our customary fishers and subsequent loss of customary practices through fish displacement: First, displaced fishing effort will shift into other areas, which may increase the risk of localised depletion, potentially increasing risks to stock sustainability. Second, our local fishers may need to purchase a new vessel to fish in grounds that are further away, additional fuel costs, and less efficient fishing grounds. Ngāti Ruanui continues to exercise customary ownership and rights over the affected marine and coastal environment. Our application for customary marine title and customary rights under the Marine and Coastal (Takutai Moana) Act 2011 are currently in the High Court and Crown engagement processes.

60. At [778] the DMC majority said:

> *... Our conclusion is that The Crack and The "Project Reef" will remain available as dive sites, but be subject to periods of reduced visibility by comparison with their current good levels.*

61. Ngāti Ruanui and local fishers have developed detailed knowledge of our fishing grounds, often built up over many years. Local traditional knowledge about the environment and fish catch confirms that corals (including bryozoans), live and dead scallop and cockle beds, orange and brown sponge weeds or algae, kelp forests, tube worm fields, and horse mussels are found within the STB.

62. The areas described by Ngāti Ruanui fishers as shell hash, cockle and scallop beds roughly coincided with Glycymeris, Scalpomactra, and Tucetona. The sponge and coral areas coincide with bryozoan, Talochlamys, and Tucetona. Gillespie & Nelson (1996) further described surficial sediment facies, the bulk of which was described as being fresh and originating from bryozoans and bivalves.

63. The Cawthron's research work (2016) on sensitive habitat, indicated the presence of five threatened invertebrate species and four threatened coral Madrepora oculata within the proposed exploration area and surrounds. The Taranaki Regional Council (2016) has identified 66 sensitive sites along the Taranaki coast. Many of these and other sensitive or potentially sensitive habitats, and various bryozoan rubble and bivalve beds to the east and southeast of the applicant's existing marine consent and marine discharge consent

The DMC minority on tangata whenua interests

64. The DMC minority made a number of comments on tangata whenua interests and the impacts on tikanga with which Ngāti Ruanui agrees. We set them out below and comment on them.

65. The DMC minority said at [52]:

> *The application does not adequately recognise the role of tangata whenua as kaitiaki and minimises their relationship with their rohe. TTRL has concluded that any adverse effects on tangata whenua will be minor based on the assumption that most kai moana is harvested from the nearshore environment. This ignores the evidence from tangata whenua that they have a long term and enduring relationship with important sites in the offshore coastal environment and across the Patea Shoals*

The DMC minority said at [60]:

> *We consider a large proportion of Ngāti Ruanui's rohe will be significantly impacted by the sediment plume on an ongoing basis for the duration of the mining. This will significantly impact the ability of tangata whenua to exercise kaitiakitanga over their rohe and marine resources, and will in their view, adversely affect the mauri of the marine environment. We accept that fish may avoid the sediment plume and move elsewhere. However, Ngati Ruanui and Ngā Rauru Kītahi cannot move their rohe.*

The DMC minority said at [54]:

> *We consider the failure to engage with Māori appears to have stemmed from TTRL's desire at the outset of the process to limit access to information deemed 'commercially sensitive' and their focus on a pre-determined outcome. Both these actions are contrary to recognised best practice for open consultation to occur. Evidence of best practice was demonstrated by the guidance document produced by Ngāti Ruanui on best practice consultation that was given to the DMC at the hearing, along with their tribal history.*

The DMC minority said at [67]-[68]:

> *We think that there is considerable overlap between the area in which tangata whenua exercise their customary activities and that is affected by the discharge of sediment from TTRL's mining activities. The terms "in common" and "area to which the application relates" are significant in this regard.*
>
> *We find there will be an adverse effect on the existing interests of tangata whenua from the sediment plume.*

66. Kaitiakitanga is an inherited responsibility of those who hold mana whenua to ensure that the mauri of the natural resources of their takiwā is healthy and strong, and the life-supporting capacity of these ecosystems is preserved. Kaitiakitanga is central to the protection of the natural environment and is fundamental to on-going existence of Ngāti Ruanui. Furthermore, Ngāti Ruanui as kaitiaki must protect and preserve the natural environment for future generations. In practice, it is preferred that our ability to oppose is given weight in the

assessment of the application. We should in fact be the decision maker on these matters and that will continue to be an aspiration for Ngāti Ruanui. As kaitiaki we have an obligation to protect the moana.

The conditions and tikanga

67. The conditions imposed by the previous DMC and included in the TTR application did not remedy these affronts to our tikanga. We could be part of a Kaitiakitanga Reference Group. But the Group would just be involved in monitoring the effects on the environment. We would get a closer look at how much damage to the environment has already occurred, but we wouldn't be able to stop it. That isn't kaitiakitanga. It doesn't address any of the actual effects that harm our moana and breach our tikanga. As the DMC minority said at [177]:

> *... these conditions do not avoid, remedy or mitigate potential adverse effects on the existing interests of tangata whenua. They merely enable tangata whenua to participate in monitoring effects. Again, this is about monitoring for information purposes, not for effectively addressing potential adverse effects.*

.....

Haimona Christopher Marcus Maruera

Sworn

PALMERSTON NORTH

at ..... 01 ..... on 01 October 2025

before me:

Banisha Khurana
Deputy Registrar
High Court
Palmerston North 4410

.....

A Solicitor of the High Court of New Zealand

Justice of the Peace

Deputy Registrar

"HCMM-1"

Ngati Ruanui

Customary Interests and Marine and Coastal Usage

A report commissioned by Te Runanga o Ngati Ruanui Trust

Dr Vincent O'Malley

October 2024

Exhibit Note

This is the annexure marked "HCMM-1" referred to in the affidavit of Haimona Christopher Marcus Maruera and sworn at PALMERSTON NORTH this 01 day of October 2025 before me

Signature

A Duly Registrar / A solicitor of the High Court of New Zealand / Justice of the Peace

Barrister Whirana
Deputy Registrar
District Court
Palmerston North