

Ngāti Tū ki Ngāpuhi
Bream Bay Sand Extraction Project
Request to Address a Material Ngāti Tū ki Ngāpuhi Cultural Effects Evidential Gap
Submission to the Expert Panel

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Prepared for and on behalf of Ngāti Tū ki Ngāpuhi

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To Bream Bay Sand Extraction Project Expert Panel
Attention: Ms Catherine Somerville-Frost, Chair

**Re: Bream Bay Sand Extraction Project – Ngāti Tū ki Ngāpuhi Cultural-Effects
Evidential Gap**

Tēnā koutou,

Ngāti Tū ki Ngāpuhi (**Ngāti Tū**) provides this material to assist the Panel in its consideration of the Bream Bay Sand Extraction Project and to seek the relief identified below.

1 Purpose and Decision Sought

The material presently before the Panel indicates a material Ngāti Tū-specific cultural-effects evidential gap.

No Cultural Impact Assessment or equivalent cultural-effects assessment has been undertaken by, authorised by, or expressly on behalf of Ngāti Tū, while aspects of the application record concerning Ngāti Tū's engagement, representation and cultural-assessment pathway require clarification.

The AEE nevertheless reaches substantive conclusions concerning tangata whenua effects, customary fishing, cultural significance, mitigation and the range of Te Ao Māori perspectives.

Ngāti Tū therefore requests that the Panel ensure this evidential gap is addressed through an appropriately scoped and resourced Ngāti Tū-led Cultural Impact Assessment, or equivalent Ngāti Tū-authorised cultural-effects assessment, with sufficient opportunity for that evidence to inform the Panel's consideration before final conclusions are reached concerning effects upon Ngāti Tū interests.

2 Project Overview

McCallum Brothers Limited (**MBL**) is seeking a coastal permit to extract marine sand suitable for concrete production from an area of approximately 15.4 km² within Te Ākau/Bream Bay for a period of 35 years.

The proposal provides for:

- extraction of up to 150,000 m³ per year, at a maximum rate of 15,000 m³ per month, for the first three years;
- an increase to 250,000 m³ per year, at a maximum rate of 25,000 m³ per month, for the remainder of the proposed consent term; and
- extraction progressively across the 15.4 km² extraction area.

Sand would be extracted using MBL's 68-metre trailing suction dredger William Fraser. Extraction would leave a seabed track approximately 100 mm deep, with each extraction event expected to take approximately **2.5 to 3.5 hours**. During the initial stage, MBL anticipates approximately **14 extraction trips per month**. The AEE provides for extraction between 12.00 pm and 8.00 pm from October to March and between 12.00 pm and 6.00 pm from April to September, with extraction limited to a maximum of 3.5 hours on any given day. At Stage 2 volumes, extraction may occur up to four times per week.

MBL describes the principal purpose of the proposal as securing a long-term supply of marine sand for concrete manufacture. The immediate market is **predominantly Auckland**, with **potential later supply to Northland and the Coromandel/Bay of Plenty**. MBL identifies the Bream Bay resource as contributing to the resilience of future sand supply, particularly given reduced extraction from the Mangawhai/Pākiri embayment and uncertainty concerning other marine-sand sources.

The proposal therefore seeks authority for substantial and long-term extraction of a natural resource from Te Ākau/Bream Bay, principally to support construction and infrastructure supply chains extending beyond the immediate extraction area.

MBL states that the operation could commence using its existing vessel, equipment and Auckland facilities and that no significant new procurement of resources or staff, new funding or capital investment, or site works are required. Accordingly, while MBL identifies wider benefits associated with security of sand supply, **the application does not on its face identify corresponding significant new employment, capital investment or physical development within the Bream Bay communities from which the sand would be extracted.**

3 Core Evidential Issues

Ngāti Tū considers that the application presently contains a **material Ngāti Tū-specific cultural-effects evidential gap**. The consultation history and mandate evidence explain why that gap exists. The planning framework establishes **why that gap matters legally and substantively**.

The central issue is whether the application contains sufficient Ngāti Tū-specific cultural evidence to support the cultural-effects and planning conclusions reached in relation to Ngāti Tū's independently recognised interests.

The evidential sequence is straightforward:

1. **Ngāti Tū is independently recognised**
2. **The relevant planning provisions require evidence concerning the relevant tangata whenua**
3. **No Ngāti Tū-authorised cultural-effects assessment exists**
4. **The three commissioned CIAs do not supply Ngāti Tū evidence**
5. **The AEE nevertheless reaches conclusions relevant to Ngāti Tū**
6. **A material evidential gap remains for the Panel to address before determination.**

Ngāti Tū has enduring customary and cultural relationships with Te Ākau/Bream Bay and the wider coastal environment. Those relationships carry responsibilities of kaitiakitanga and interests in the protection of mauri, customary resources, cultural practices and intergenerational wellbeing. For a proposal involving substantial seabed extraction across approximately 15.4 km² for 35 years, the relevant question is therefore not limited to predicted physical or ecological effects. It also concerns the cultural significance of those effects for Ngāti Tū.

The evidential gap arises through five interrelated issues.

1. Consultation process and the Ngāti Tū assessment pathway

Ngāti Tū was independently identified as holding interests relevant to Te Ākau/Bream Bay and was directly engaged by MBL. By the time substantive Ngāti Tū engagement occurred, however, CIA processes had already been established with Te Parawhau, Patuharakeke and Ngātiwai.

Maia Honetana's evidence is that Ngāti Tū sought its own CIA and was advised that MBL would not fund another assessment. MBL's contemporaneous record independently confirms that Maia was referred to Te Parawhau, Patuharakeke and Ngātiwai. Subsequent technical information and opportunities to comment did not result in a Ngāti Tū-specific cultural-effects assessment.

The issue is therefore not whether MBL had contact with Ngāti Tū. It did. The issue is whether that engagement produced the cultural evidence required to assess effects upon Ngāti Tū's recognised interests. It did not.

2. Mandate and representation

Ngāti Tū's evidence is that Maia Honetana held authority to engage with MBL in relation to the proposal. Riki Solomon did not hold project-specific mandate to represent Ngāti Tū for the MBL proposal, and Ngāti Tū did not authorise Te Parawhau, Patuharakeke or Ngātiwai to determine or communicate Ngāti Tū's cultural values, effects or position.

This distinction is material because the application records Riki Solomon as a "Ngāti Tū contact", while the Te Parawhau CIA describes Te Parawhau as an amalgamation including Ngāti Tū. Neither circumstance establishes project-specific authority to represent Ngāti Tū.

Shared or overlapping interests do not themselves create representative mandate. Cultural evidence from another authority can properly establish that authority's values and effects, but it cannot establish Ngāti Tū's position without specific authority to do so.

3. Absence of Ngāti Tū-specific tangata whenua evidence

The substantive application contains three CIAs prepared respectively for Te Parawhau, Patuharakeke and Ngātiwai. Each is an authority-specific assessment addressing the values, relationships, responsibilities and cultural effects of the iwi or hapū for whom it was prepared.

None was undertaken by, authorised by, or expressly prepared on behalf of Ngāti Tū.

The application therefore does not contain an identified Ngāti Tū cultural baseline addressing matters such as Ngāti Tū mātauranga, cultural resources and activities, customary fisheries, mana moana, mauri, kaitiakitanga, cultural practices, cultural significance, mitigation or appropriate conditions.

The absence of a document titled "CIA" is not, by itself, the substantive problem. The problem is the **absence of an equivalent body of authorised Ngāti Tū cultural evidence capable of performing that assessment function.**

4. Planning framework and assessment adequacy

This absence is particularly significant because the relevant planning framework repeatedly requires tangata whenua-specific cultural evidence.

Policy D.1.2 requires an evidence-based assessment that identifies the tangata whenua to whom it relates and directs, as a matter of best practice, that the relevant tangata whenua should in the first instance be requested to undertake the assessment. It contemplates assessment of cultural resources and activities, cultural practices, mauri, the nature and extent of effects, and appropriate avoidance, remediation or mitigation.

Policy D.1.5 similarly treats cultural significance as authority specific. It encompasses matters including mana moana, fisheries, traditional marine travel, kaitiakitanga, whanaungatanga and mauri, and requires relevant values to be endorsed for evidential purposes by the relevant tangata whenua community, with the groups determining and endorsing the assessment identified.

Objective 11.3 and **Policy 11.4.1** require recognition of tangata whenua relationships with the coast and their concerns and cultural perspectives regarding coastal resources, especially seafood. NZCPS Policy 2 similarly addresses tangata whenua relationships with the coastal environment, mātauranga Māori, kaitiakitanga and cultural impact assessment.

These provisions make the identity of the relevant tangata whenua and the source of the cultural evidence material to the assessment. The AEE nevertheless relies principally upon the three existing CIAs and other material without an equivalent Ngāti Tū evidential foundation.

The issue is therefore not merely procedural. **The application reaches planning conclusions under provisions whose proper application depends upon cultural evidence that has not been obtained for Ngāti Tū.**

5. Cultural-effects conclusions reached without a Ngāti Tū evidential foundation

The AEE does not simply record that Ngāti Tū evidence is absent. It proceeds to affirmative conclusions concerning matters that engage Ngāti Tū's recognised interests.

Those conclusions include customary fishing within the shared rohe moana, cultural significance and places of significance, the range of Te Ao Māori perspectives, cultural effects, mitigation and overall effects.

Technical evidence may establish matters such as fish availability, ecological effects, seabed disturbance or predicted recovery. It cannot, without Ngāti Tū cultural evidence, determine the significance of those matters for Ngāti Tū relationships, tikanga, mauri, customary practices or kaitiakitanga.

Similarly, three different tangata whenua perspectives do not establish the complete range of relevant perspectives where a separately recognised authority has not been assessed. Nor can mitigation developed in response to effects identified by other authorities establish what Ngāti Tū considers necessary or culturally appropriate.

Accordingly, the concern is not that the AEE's conclusions must necessarily be wrong. It is that **their completeness and reliability in relation to Ngāti Tū cannot presently be demonstrated.**

Taken together, these matters establish the core evidential issue before the Panel: **Ngāti Tū is independently recognised as holding interests relevant to the affected marine environment; the applicable planning framework requires tangata whenua-specific cultural evidence; no Ngāti Tū-authorized assessment provides that evidence; and the AEE nevertheless reaches substantive cultural-effects and planning conclusions relevant to Ngāti Tū.**

The sections that follow examine each part of that evidential chain.

3.1 Statutory and Cultural Status Foundation

Ngāti Tū is independently identified within the application and statutory record as holding interests relevant to Te Ākau/Bream Bay.

The AEE records that the Ministry for Primary Industries confirmed that the proposed extraction area lies within the rohe moana identified in the Fisheries Notification of Tāngata Kaitiaki/Tiaki for Area/Rohe Moana of Ngāti Kahu, Parawhau, Ngāti Tū and Patuharakeke Notice 2021 (**Notice No. MPI 1353**). Ngāti Tū is therefore expressly named within the customary fisheries framework applying to the project area.

Ngāti Tū ki Ngāpuhi is also an applicant group under the Marine and Coastal Area (Takutai Moana) Act 2011. In Minute 3, the Expert Panel expressly identified Ngāti Tū ki Ngāpuhi (**CIV-2017-404-573**) under s 53(2)(e) of the Fast-track Approvals Act 2024 as an applicant group required to be invited to comment. This does not determine the outcome of the MACA application, but it independently confirms Ngāti Tū's relevant status within the Fast-track process.

MBL's own engagement record is consistent with that position. It recorded Ngāti Tū ki Ngāpuhi as "a hapū with a customary interest in this area", recorded its MACA claim and request for consultation, and engaged directly with Ngāti Tū concerning the proposal.

The Panel has also emphasised the importance of obtaining sufficient information about relevant cultural and other values and effects so that the material before it can be properly tested and the Panel properly informed.

Accordingly, **Ngāti Tū's relevance to the assessment is established**. The issue is whether the application contains an adequate **Ngāti Tū-specific evidential foundation from which the cultural effects of the proposal on those recognised interests can properly be assessed**.

3.2 Engagement Chronology

The chronology below identifies the principal events necessary to understand how the present Ngāti Tū-specific assessment gap arose. Its purpose is not to establish that MBL failed to engage with Ngāti Tū. Rather, it shows that Ngāti Tū entered an already-developed cultural-assessment process, subsequently sought direct participation and its own assessment pathway, but no Ngāti Tū-specific cultural-effects assessment resulted.

Table 3-1 Ngāti Tū Engagement and Cultural-Assessment Chronology

Date	Event	Core relevance
Dec 2023 – Apr 2024	MBL commenced early tangata whenua engagement with Ngātiwai, Patuharakeke and Te Parawhau. By April 2024, engagement with Patuharakeke included regular meetings, specialist information, fieldwork opportunities and direct interaction with technical experts.	Establishes that MBL’s tangata whenua engagement and cultural-assessment architecture was developing well before substantive engagement with Ngāti Tū.
5–11 Jun 2024	MfE queried the absence of several identified MACA applicant groups from MBL’s consultation record. MBL confirmed its “full intent” to engage customary marine title applicants and other groups with relevant interests before substantive lodgement, and MfE subsequently recorded that commitment.	Establishes that MBL was alerted at an early stage to the need for broader engagement before lodgement.
24 Feb 2025	MBL notified Nova on behalf of Ngāi Tāhuhu, Ngāti Tū and Ngāti Kukutea of the intended Fast-track application and invited views. The notification advised that Te Parawhau and Patuharakeke had already been asked to prepare CIAs.	By the time Ngāti Tū was directly notified, project-specific CIA processes with other tangata whenua authorities were already established.
15–18 Aug 2025	MBL’s records describe contact recorded as Ngāti Tū engagement and associate that pathway with Riki Solomon as a Ngāti Tū contact. Ngāti Tū confirms that Mr Solomon held no project-specific mandate to represent Ngāti Tū in relation to the MBL proposal.	Distinguishes contact arising through the customary-fisheries framework from engagement with a person authorised to represent Ngāti Tū for this proposal.
12 Sep 2025	MBL advised that Te Parawhau, Patuharakeke and Ngātiwai were preparing CIAs and invited Ngāti Tū to seek further information or consultation.	Confirms that a three-CIA cultural-assessment structure was already in place before Ngāti Tū’s authorised representatives entered substantive engagement.
19 Sep 2025	Ngāti Tū responded through Brooke Loader, stating that, as a hapū with a customary interest in the area, it wished to be consulted and asking MBL to advise the next steps.	Establishes an express request for direct Ngāti Tū participation before substantive lodgement.

24 Sep – 22 Oct 2025	MBL and Ngāti Tū arranged an in-person hui. MBL’s proposed agenda described Ngāti Tū ki Ngāpuhi as “a hapū with a customary interest in this area”.	Confirms that MBL proceeded to engage directly with Ngāti Tū as a distinct party asserting customary interests relevant to the proposal.
23 Oct 2025 – hui	Maia Honetana and Karen Courtney met MBL representatives Callum McCallum, Shayne Elstob and Luke Davis. MBL’s contemporaneous minutes record Ngāti Tū’s stated customary interest, its request for consultation and its MACA claim. They also record that Maia was referred to Te Parawhau, Patuharakeke and Ngātiwai.	This is the critical point in the chronology. MBL engaged directly with Ngāti Tū but referred its authorised representative toward the three parties already involved in project-specific cultural assessment.
23 Oct 2025 – Ngāti Tū CIA request	Maia recalls expressly raising the need for Ngāti Tū to undertake its own CIA. Her evidence is that MBL advised that it would not fund a further CIA, did not consider itself legally obliged to do so, and suggested that Ngāti Tū speak with Te Parawhau. MBL’s minutes do not record that discussion but independently record the resulting referral to Te Parawhau, Patuharakeke and Ngātiwai.	Explains Ngāti Tū’s understanding of why no separate CIA pathway followed. Maia’s evidence is that she left the hui feeling that Ngāti Tū’s request had not been heard and that MBL’s position was clear. She therefore did not continue pressing MBL to establish a separate CIA process.
23 Oct 2025 onwards	MBL continued to communicate with Ngāti Tū, provided extensive draft technical assessments and management plans, and invited questions and concerns.	Confirms that communication continued. The issue is not an absence of subsequent contact, but that the engagement did not produce a Ngāti Tū-specific cultural-effects assessment.
Subsequent MBL consultation record	Attachment 5D states that Ngāti Tū had confirmed it wished to be consulted and that “correspondence is ongoing in regard to the CIA progress.” The AEE also records that an anticipated Ngāti Tū response was “not received”.	These descriptions require qualification because they are capable of suggesting that an agreed Ngāti Tū CIA pathway was progressing but remained incomplete. No Ngāti Tū CIA commission, agreed scope, methodology, author or equivalent assessment pathway is identified in the application record.
26 Jan 2026	MBL lodged the substantive Fast-track application.	The application was lodged without a Ngāti Tū CIA or equivalent Ngāti Tū-authorised cultural-effects assessment.
28 Apr 2026	The Panel formally identified Ngāti Tū ki Ngāpuhi (CIV-2017-404-573) as a MACA applicant group required to be invited to comment under s 53(2)(e) of the FTAA.	Independently confirms Ngāti Tū’s relevant status within the statutory Fast-track process.
30 Apr – 14 May 2026	The Panel requested updated information concerning post-lodgement tangata whenua engagement. MBL’s response detailed engagement with a number of parties, including Patuharakeke, Te Parawhau and Ngātiwai,	Provides a post-lodgement evidential checkpoint confirming that no continuing Ngāti Tū CIA or equivalent assessment pathway was identified to the Panel.

	but did not identify further engagement with Ngāti Tū or an ongoing Ngāti Tū cultural-assessment process.	
26 May 2026	The ordinary statutory comment period closed without substantive Ngāti Tū comments being lodged.	Records the procedural position. It does not resolve whether the application contained an adequate Ngāti Tū-specific cultural-effects evidential foundation.
31 Aug 2026	The project material was referred to Innov8 for specialist review.	Marks the point at which the wider AEE, planning provisions, CIA material and engagement record were assessed together.
Sep 2026	Through that review, Ngāti Tū identified that the issue was broader than MBL's earlier decision not to fund another CIA. The question was whether the application could adequately assess and reach conclusions concerning Ngāti Tū interests without an authorised Ngāti Tū cultural-effects assessment. Potential statutory and procedural pathways for addressing that evidential gap were then identified.	Explains why the present request is advanced as one of assessment adequacy and information sufficiency , rather than simply as a request to revisit the earlier consultation or CIA-funding discussion.

The chronology establishes three matters that inform the analysis below. **Ngāti Tū did engage directly with MBL; that engagement did not produce a Ngāti Tū-specific cultural-effects assessment; and the significance of that absence became apparent when the application, existing CIAs and applicable planning provisions were subsequently considered together.**

3.3 Failure 1 - Consultation Process and the Ngāti Tū Assessment Pathway

The issue is not whether MBL consulted Ngāti Tū. It did. The issue is whether that engagement resulted in an assessment pathway capable of producing the Ngāti Tū-specific cultural evidence required for the application. It did not.

By the time Ngāti Tū entered substantive engagement, MBL had already established CIA processes with Te Parawhau, Patuharakeke and Ngātiwai. Ngāti Tū subsequently sought direct engagement and met MBL on **23 October 2025**. MBL's minutes record Ngāti Tū's asserted customary interest, its MACA claim and the referral of Maia Nova Honetana to Te Parawhau, Patuharakeke and Ngātiwai.

Maia's evidence provides the context for that referral. She recalls expressly raising the need for Ngāti Tū to undertake its own CIA and being advised that MBL would not fund another CIA, did not consider itself legally obliged to do so, and considered that Ngāti Tū should instead speak with Te Parawhau. MBL's minutes do not record that discussion, but they independently record the resulting referral.

Following the hui, MBL continued to communicate with Ngāti Tū, provided substantial draft technical material and invited questions and concerns. Ngāti Tū therefore does not contend that communication ceased. The distinction is that provision of technical reports and an opportunity to comment did not establish a process through which Ngāti Tū could identify its own cultural values, assess effects upon those values, determine their cultural significance, or develop appropriate responses.

Maia's evidence is that she left the hui understanding that MBL's position concerning a separate Ngāti Tū CIA was settled and that no independent Ngāti Tū assessment pathway was being offered. She therefore did not continue pressing MBL to reconsider that position. The absence of a later Ngāti Tū assessment should be understood in that context, rather than simply as a failure by Ngāti Tū to complete material that MBL had commissioned or enabled.

That context is important when considering how the subsequent application record describes the engagement. **Attachment 5D** records that Ngāti Tū wished to be consulted and states that "*correspondence is ongoing in regard to the CIA progress.*" The **AEE** also records that an anticipated Ngāti Tū response was "*not received*".

Read without the fuller chronology, those statements could be interpreted to convey that an agreed Ngāti Tū CIA process was underway but remained incomplete. The application record does not identify such a process. There is no identified Ngāti Tū CIA commission, agreed scope, methodology, author, programme or equivalent cultural-effects assessment pathway.

The concern is therefore one of accuracy and completeness, not an allegation of deliberate misrepresentation. MBL engaged with Ngāti Tū, but that engagement did not produce the Ngāti Tū-specific cultural evidence necessary to assess effects upon Ngāti Tū's recognised interests.

Failure 1 is therefore not a failure of contact. It is a failure of the consultation process to result in an identifiable Ngāti Tū cultural-assessment pathway, notwithstanding the application's subsequent reliance on the existence of tangata whenua consultation when reaching substantive cultural-effects conclusions.

3.4 Failure 2A - Mandate and Representation

The second issue concerns whether the consultation and cultural-assessment record identify people or organisations authorised to represent Ngāti Tū in relation to this proposal.

Ngāti Tū's evidence is that Maia Nova Honetana was authorised to engage with MBL on behalf of Ngāti Tū concerning the proposed sand extraction project. Karen Courtney attended the 23 October 2025 hui in support of that engagement, while Brooke Loader was involved through the legal and MACA pathway.

The relevant question is therefore not whether MBL had contact with persons associated with Ngāti Tū. It is whether any person or organisation relied upon as supplying Ngāti Tū cultural evidence held authority to perform that function for this proposal.

3.4.1 Riki Solomon and the Tangata Kaitiaki Role

The AEE records contact in August 2025 arising from the gazetted shared rohe moana, and Attachment 5C associates that pathway with Riki Solomon as a Ngāti Tū contact and tangata kaitiaki.

Ngāti Tū does not dispute Mr Solomon's customary-fisheries role. Its evidence is narrower: Mr Solomon did not hold project-specific mandate to represent Ngāti Tū in relation to the MBL Fast-track application, CIA process or cultural-effects assessment.

A tangata kaitiaki appointment performs an important function within the customary-fisheries framework. It does not, without separate authority from the relevant hapū, establish a general mandate to determine those hapū's cultural values, assess cultural effects, agree mitigation or conditions, determine cultural acceptability, approve a CIA, or communicate a position on an unrelated consenting proposal.

The August 2025 contact may therefore demonstrate engagement arising through the customary-fisheries framework. It does not, without evidence of separate project-specific authority, establish that MBL had engaged a person authorised to determine or communicate Ngāti Tū's cultural position for this proposal.

3.4.2 No Representative Mandate to the Existing CIA Parties

Ngāti Tū also confirms that it did not authorise Te Parawhau, Patuharakeke or Ngātiwai to represent Ngāti Tū, determine its cultural values, assess effects upon those values, establish cultural thresholds or acceptability, formulate mitigation, or communicate a Ngāti Tū position concerning the proposal.

The existence of shared or overlapping interests within Te Ākau/Bream Bay does not itself create representative authority. Consultation with one participant in a shared rohe does not establish consultation with, or cultural assessment for, another participant unless authority to perform that representative function has been given.

This distinction is reinforced by the CIAs themselves. Each is framed through the cultural authority, relationships, values and responsibilities of the iwi or hapū for whom it was prepared. Their cultural evidence is appropriately understood as evidence of those respective authorities. It does not become Ngāti Tū evidence merely because interests overlap geographically.

3.4.3 Te Parawhau “Amalgamation” Statement

The Te Parawhau CIA states that:

“Te Parawhau ki Tai today is an amalgamation of Ngāti Manaia, Ngāi Tāhuhu, Ngāti Ruangaio and Ngāti Tū.”

The AEE reproduces that description.

Ngāti Tū does not accept that statement as establishing representative authority for the MBL proposal. The Panel does not need to determine the wider historical or cultural relationships between the groups to resolve the present issue. Even if the statement accurately records Te Parawhau’s own understanding of its contemporary identity, it does not demonstrate that Ngāti Tū authorised Te Parawhau to determine or communicate Ngāti Tū’s project-specific cultural position.

The point is therefore one of mandate rather than identity. The description of Te Parawhau as an “amalgamation” cannot, without separate Ngāti Tū authority, provide a basis for treating the Te Parawhau CIA as an assessment undertaken on behalf of Ngāti Tū.

3.4.4 Consequence for the Cultural-Effects Record

The application independently recognises Ngāti Tū as holding interests relevant to the affected marine area. Once Ngāti Tū is recognised, cultural evidence attributed to Ngāti Tū must come from a person, or process authorised to provide it.

Neither the August 2025 contact with Riki Solomon, nor the existence of the Te Parawhau, Patuharakeke and Ngātiwai CIAs, establishes that authority.

Failure 2A is therefore an evidential mandate gap: no person or existing CIA relied upon in the application has been demonstrated to hold project-specific authority to determine or communicate Ngāti Tū’s cultural values, effects or position. Consequently, the absence of Ngāti Tū-specific evidence cannot be cured by treating cultural evidence obtained from other persons or authorities as though it were representative of Ngāti Tū.

3.5 Failure 2B – Limits of Commissioned CIAs

The substantive application includes three Cultural Impact Assessments prepared respectively for Te Parawhau ki Tai, Patuharakeke and Ngātiwai. Their significance to the present issue is that each demonstrates the authority-specific nature of cultural-effects assessment.

Table 3-2: Scope and Evidential Limits of the Commissioned Cultural Impact Assessments

CIA	Whose evidence it provides	What it does not establish for Ngāti Tū
Te Parawhau ki Tai CIA	Assesses the proposal through Te Parawhau cultural values, mātauranga, tikanga, relationships, responsibilities and its own cultural and environmental framework. Its recommendations include Te Parawhau-led monitoring and ongoing Te Parawhau participation.	It does not establish Ngāti Tū cultural values, effects, cultural significance, mitigation requirements or position on the proposal. The statement that Te Parawhau is an “amalgamation” including Ngāti Tū does not itself provide project-specific authority to assess or represent Ngāti Tū.
Patuharakeke CIA	Assesses effects through Patuharakeke customary authority, mātauranga, tikanga, kaitiakitanga, relationships with Te Ākau/Bream Bay and responsibilities concerning mana and mauri.	It does not establish Ngāti Tū cultural effects. Importantly, the CIA itself recognises the shared Rohe Moana Te Rerenga Paraoa, including Ngāti Tū, thereby identifying rather than resolving the separate Ngāti Tū cultural-effects question.
Ngātiwai CIA	Assesses the proposal through Ngātiwai values, its environmental management framework, kaitiakitanga, mahinga kai, fisheries, mauri, spiritual values and intergenerational responsibilities.	It does not establish Ngāti Tū values, effects, thresholds, mitigation requirements or cultural position and is not identified as having been authorised to do so.

The three CIAs should therefore be understood as relevant and substantial cultural evidence from the authorities for whom they were prepared. Ngāti Tū does not criticise those assessments or ask the Panel to disregard them.

Their significance is precisely their specificity. They demonstrate the following assessment logic:

- Te Parawhau authority → Te Parawhau values and relationships → Te Parawhau cultural effects
- Patuharakeke authority → Patuharakeke values and relationships → Patuharakeke cultural effects
- Ngātiwai authority → Ngātiwai values and relationships → Ngātiwai cultural effects

The corresponding Ngāti Tū assessment sequence has not been undertaken:

Ngāti Tū authority → Ngāti Tū values and relationships → Ngāti Tū cultural effects

The existence of shared or overlapping interests within Te Ākau/Bream Bay does not make those interests interchangeable for cultural-effects assessment purposes. Nor does the existence of three detailed CIAs establish the values, cultural significance, effects or appropriate responses of a separately recognised tangata whenua authority that did not authorise any of those assessments to act on its behalf.

Accordingly, **Failure 2B is not an absence of cultural assessment generally. It is the absence of cultural assessment capable of establishing Ngāti Tū-specific values and effects.** The three commissioned CIAs provide evidence for Te Parawhau, Patuharakeke and Ngātiwai; they do not fill the separate Ngāti Tū evidential gap.

3.6 Failure 3 – Absence of Ngāti Tū-Specific Tangata Whenua Evidence

The third issue is the absence of an evidential assessment capable of establishing the cultural effects of the proposal upon Ngāti Tū.

As established above, Ngāti Tū is independently recognised as holding interests relevant to the affected marine environment. The application contains substantial cultural evidence from Te Parawhau, Patuharakeke and Ngātiwai, but none of those assessments was undertaken by, authorised by, or expressly prepared on behalf of Ngāti Tū.

The material before the Panel therefore does not identify an assessment establishing:

- Ngāti Tū mātauranga relevant to the proposal;
- Ngāti Tū cultural resources, activities, relationships or practices potentially affected;
- effects upon Ngāti Tū mauri, customary fisheries or kaitiakitanga responsibilities;
- the nature, extent or cultural significance of those effects as understood by Ngāti Tū; or
- Ngāti Tū-specific avoidance, remediation, mitigation, monitoring or management responses.

Consultation does not itself provide that evidence. MBL engaged with Ngāti Tū and supplied technical information, but neither correspondence, a hui nor access to technical reports establishes what Ngāti Tū values are, how the proposal may affect them, or what cultural response Ngāti Tū considers appropriate.

The missing analytical sequence is therefore:

- Ngāti Tū authority → Ngāti Tū cultural evidence → Ngāti Tū values and practices → effects upon those values and practices → cultural significance → appropriate response.

The significance of this omission is determined by the planning framework. As addressed in the following section, the relevant provisions do not treat tangata whenua cultural evidence as generic or interchangeable. They require identification of the relevant tangata whenua and, in important respects, contemplate assessment undertaken by, or evidence endorsed by, that tangata whenua.

Failure 3 is therefore the absence of the Ngāti Tū-specific evidential foundation required to assess cultural effects. Failure 4 addresses why that absence is material under the applicable planning provisions.

3.7 Failure 4 - Planning Framework and Assessment Adequacy

The fourth issue is the adequacy of the AEE's assessment against planning provisions specifically directed to tangata whenua relationships, cultural values, customary activities and the coastal marine area.

This is the principal substantive consequence of the evidential gap identified above. The consultation history and mandate evidence explain why Ngāti Tū-specific cultural evidence is absent. The planning framework establishes why that absence matters.

Across the relevant provisions, the same problem recurs: the provision requires consideration of the values, relationships, activities or effects of the relevant tangata whenua; the AEE relies principally upon the three existing CIAs or technical material; but none of those sources supplies the corresponding Ngāti Tū evidence.

3.7.1 Policies D.1.1 and D.1.2 – Analysis of Effects on Tangata Whenua and Their Taonga

Policy D.1.1 of the Proposed Regional Plan for Northland requires an analysis of effects on tangata whenua and their taonga where specified effects are likely. These include effects on mahinga kai or access to it, indigenous biodiversity affecting cultural or traditional activities, Māori non-commercial fisheries, protected customary rights, and sites or areas of significance to tangata whenua.

Those matters are directly relevant to the present proposal. The application itself records that the extraction area lies within a gazetted rohe moana in which Ngāti Tū is expressly named, while the proposal potentially affects fisheries, seabed environments, marine biodiversity and cultural relationships with Te Ākau/Bream Bay.

Policy D.1.2 is particularly significant because it establishes how the required cultural-effects analysis is to be undertaken. **It requires an assessment proportionate to the scale and significance of potential effects; directs, as a matter of best practice, that the relevant tangata whenua should in the first instance be requested to undertake the assessment;** requires identification of the tangata whenua to whom the assessment relates; and requires the assessment to be evidence-based.

Where appropriate, that assessment must also address mātauranga Māori, cultural resources and activities, cultural practices, effects upon mauri, the nature and extent of effects, and measures to avoid, remedy or mitigate adverse cultural effects.

These requirements describe an evidential assessment, not merely consultation.

The AEE responds to D.1.2 principally by identifying the existing CIAs, iwi management plans and consultation with Ngātiwai, Te Parawhau and Patuharakeke. Those matters provide relevant cultural evidence for the authorities concerned, but they do not identify:

- an assessment undertaken by, or authorised by, Ngāti Tū;
- an assessment specifying Ngāti Tū as the tangata whenua to whom it relates;
- Ngāti Tū mātauranga relevant to the proposal;
- Ngāti Tū cultural resources, activities or practices potentially affected;
- effects upon Ngāti Tū mauri or customary relationships; or
- Ngāti Tū-specific avoidance, mitigation, monitoring or management responses.

As established above, Ngāti Tū is independently recognised within the affected marine area and none of the three existing CIAs was authorised to assess Ngāti Tū interests.

D.1.2 therefore exposes the central assessment gap directly: the AEE relies upon cultural assessments but does not identify the evidence-based assessment relating to Ngāti Tū that the policy framework contemplates.

3.7.2 Policies D.1.4 and D.1.5 – Places of Significance to Tangata Whenua

Policies D.1.4 and D.1.5 reinforce the same authority-specific requirement.

D.1.5 does not confine places of significance to mapped archaeological or physical sites. Relevant attributes include traditional marine travel and communication routes, areas of mana moana associated with fisheries and other rights, fisheries grounds, customary management measures, whanaungatanga, kaitiakitanga, manaakitanga, spiritual associations and the maintenance of mauri.

Importantly, D.1.5 also contains an evidential safeguard: relevant values are to be endorsed for evidential purposes by the relevant tangata whenua community, and the assessment is to record the tangata whenua groups determining and endorsing it.

That requirement is particularly significant here. Ngāti Tū is separately recognised within the affected customary-fisheries rohe, but no Ngāti Tū assessment identifies whether the extraction area, surrounding marine environment or associated resources possess significance for Ngāti Tū through mana moana, fisheries, cultural practices, kaitiakitanga, whanaungatanga, mauri or other relationships contemplated by D.1.5.

The AEE instead relies upon places and values identified through the existing cultural and landscape evidence. That evidence may properly establish the values identified by the authorities who supplied it. It cannot establish that all Ngāti Tū places, relationships or values have been identified where Ngāti Tū has neither determined nor endorsed the assessment.

The evidential sequence is therefore important:

Ngāti Tū places and values must first be identified → effects upon them can then be assessed → their cultural significance can then be determined.

An absence of Ngāti Tū places or values from the existing assessments cannot itself establish an absence of Ngāti Tū cultural effects.

3.7.3 Objective 11.3 and Policy 11.4.1 – Relationships with the Coast

The Operative Regional Coastal Plan for Northland contains a particularly direct pair of provisions.

Objective 11.3 seeks management of Northland's coastal marine resources in a manner that recognises and respects tangata whenua's traditional and cultural relationships with the coast. Policy 11.4.1 requires recognition, and as far as practicable provision, for tangata whenua concerns and cultural perspectives regarding protection of natural and physical resources, especially seafood, within the coastal marine area.

The AEE's response relies upon the three CIAs prepared for the application.

That does not answer the policy question regarding Ngāti Tū. The application independently identifies Ngāti Tū within a customary-fisheries rohe encompassing the extraction area, yet none of those three CIAs establishes Ngāti Tū's concerns or cultural perspective concerning seafood, fisheries, marine resources or its wider relationship with Te Ākau/Bream Bay.

The provisions ask what the relevant tangata whenua relationships, concerns and cultural perspectives are. **Those questions cannot be answered for Ngāti Tū solely by identifying cultural assessments prepared for other authorities.**

3.7.4 NZCPS Policy 2 – Tangata Whenua and the Coastal Environment

Policy 2 of the New Zealand Coastal Policy Statement 2010 recognises tangata whenua's traditional and continuing cultural relationships with the coastal environment. It addresses effective consultation, mātauranga Māori, Māori involvement in decision-making, opportunities to exercise kaitiakitanga over coastal waters and fisheries, and cultural impact assessment as a means of identifying and assessing Māori cultural and heritage values.

The AEE acknowledges tangata whenua relationships with the coastal environment and relies upon the CIAs and iwi management plans before it.

Again, those sources are relevant, but they do not establish the corresponding Ngāti Tū evidence. Ngāti Tū's mātauranga, kaitiakitanga responsibilities, customary-fisheries interests, cultural relationships, values and assessment of the proposal have not been established through an authorised Ngāti Tū process.

Policy 2 is important precisely because it recognises that tangata whenua may hold cultural knowledge and perspectives that are not otherwise available through technical assessment or evidence supplied by another authority.

The absence of Ngāti Tū evidence therefore cannot be treated as a neutral evidential space into which conclusions derived from other sources can simply be extended.

3.7.5 Supporting Provisions

Other provisions reinforce the same conclusion.

Objective F.1.9 of the Proposed Regional Plan seeks recognition and provision for tangata whenua's kaitiaki role in resource decision-making. A later opportunity to provide comments does not perform the same evidential function as identifying relevant cultural values and effects before substantive assessment conclusions are reached.

Objective F.1.12 requires protection of the values of places of significance to tangata whenua within the coastal marine area. Reliance upon the distance from already identified places cannot establish that Ngāti Tū places, cultural landscapes or values have been comprehensively identified in the first instance.

NZCPS Policy 15 requires consideration of cultural and spiritual values for tangata whenua, including their expression through cultural landscapes and features. Landscape or visual evidence can assess effects upon identified sites and landscapes but cannot determine the cultural significance of Ngāti Tū landscapes that have not first been identified through Ngāti Tū evidence.

NZCPS Policy 6 recognises the social and economic contribution of activities including mineral extraction. The benefits identified by MBL are legitimate considerations, but they do not establish the nature or significance of local cultural effects. A balanced assessment requires those effects to be identified before they can be weighed alongside the benefits of the proposal.

Policy 23.4.3 of the Operative Regional Coastal Plan is directly relevant to sand extraction and requires adverse effects upon ecological, cultural and amenity values to be avoided, remedied or mitigated. The cultural component of that assessment cannot be complete for Ngāti Tū unless the relevant Ngāti Tū cultural values and effects are first known.

3.7.6 Cumulative Consequence

These provisions do not require every iwi or hapū to hold identical values or reach identical conclusions. They demonstrate the opposite: **the identity of the relevant tangata whenua and the source of the cultural evidence matter to the assessment.**

MBL obtained substantial cultural evidence from Te Parawhau, Patuharakeke and Ngātiwai. That evidence is relevant and should be considered on its own terms. It does not provide the equivalent evidential foundation for Ngāti Tū.

The consequence is not that the AEE's planning conclusions must necessarily be wrong. It is that their completeness in relation to Ngāti Tū has not been demonstrated.

Where a planning provision depends upon identifying tangata whenua relationships, values, customary fisheries, mana moana, mātauranga, kaitiakitanga, mauri, places of significance, cultural effects or appropriate mitigation, an absence of evidence from the independently recognised tangata whenua interest is an absence in the factual foundation required to apply that provision.

Failure 4 therefore brings the preceding failures into substantive focus: Ngāti Tū is independently recognised; no other person or existing CIA has been demonstrated to hold authority to determine Ngāti Tū's cultural position; no Ngāti Tū-specific cultural-effects assessment has been undertaken; yet the AEE proceeds to assess compliance with planning provisions whose application depends upon precisely that missing cultural evidence.

3.8 Failure 5 - Cultural-Effects Conclusions Reached Without Ngāti Tū Evidence

The fifth issue is the consequence of the preceding failures. The problem is not simply that Ngāti Tū evidence is absent. **The AEE nevertheless reaches affirmative conclusions concerning matters that directly engage Ngāti Tū's recognised interests.**

The three existing CIAs provide an evidential basis for conclusions concerning the authorities for whom they were prepared. They do not provide an equivalent basis for determining Ngāti Tū cultural effects.

3.8.1 Customary Fishing

The clearest example concerns customary fishing. The AEE relies upon technical evidence concerning fish mobility, continued availability to non-commercial fishers and predicted effects on fisheries and concludes that the ability to undertake fishing within the rohe moana identified for Ngāti Kahu, Parawhau, Ngāti Tū and Patuharakeke "will not be impacted."

That is an affirmative conclusion concerning an area in which Ngāti Tū is expressly recognised.

Technical fisheries evidence may establish matters such as fish abundance, mobility, accessibility and predicted ecological effects. It cannot, without Ngāti Tū cultural evidence, determine whether seabed extraction affects Ngāti Tū's relationship with the rohe moana, mauri, tikanga, customary harvesting practices, kaitiakitanga responsibilities or the cultural significance of environmental change.

The continued physical ability to catch fish is not necessarily equivalent to an absence of cultural effect upon customary fishing. Whether it is equivalent for Ngāti Tū is itself a cultural-effects question that has not been assessed.

3.8.2 Cultural Significance, Places and Te Ao Māori Perspectives

A similar issue arises where the AEE relies upon identified sites, cultural assessments and landscape evidence to reach broader conclusions concerning cultural significance and effects.

Those sources may properly support conclusions concerning the places and values that have been identified. An identified-sites approach, however, is only as complete as the cultural evidence from which those sites and values were derived.

Without an Ngāti Tū assessment, the application cannot demonstrate that Ngāti Tū cultural landscapes, marine areas, customary associations, fisheries grounds, practices or other places and values of significance have first been comprehensively identified. The absence of an identified Ngāti Tū place in the existing material therefore cannot itself establish an absence of Ngāti Tū cultural effects.

The same issue arises in relation to the range of Te Ao Māori perspectives. The three CIAs demonstrate that different tangata whenua authorities may identify different values, effects and appropriate responses. That diversity is legitimate and reinforces the authority-specific nature of cultural assessment.

However, three different tangata whenua perspectives do not establish the complete range of relevant perspectives where a separately recognised fourth authority has not been assessed. Recognition that there is no singular Te Ao Māori view strengthens, rather than diminishes, the need to obtain the missing Ngāti Tū perspective.

3.8.3 Mitigation and Overall Cultural-Effects Conclusions

The evidential gap also affects conclusions concerning mitigation and overall effects.

Mitigation follows the identification and assessment of effects:

- cultural values and effects must first be identified → their significance determined → appropriate responses developed.

That sequence has not been completed for Ngāti Tū. The mitigation and management measures developed through the existing CIAs respond to the values and effects identified by those respective authorities. They do not establish whether Ngāti Tū identifies different effects, seeks avoidance rather than mitigation, considers cultural thresholds applicable, requires different monitoring or management arrangements, or considers residual effects culturally unacceptable.

The same limitation applies to broader conclusions that cultural effects have been addressed through the CIAs or that the proposal's overall adverse effects are acceptable subject to proposed conditions and management measures.

Those conclusions are not necessarily wrong. **They have not, however, been demonstrated to be complete in relation to Ngāti Tū.**

A conclusion concerning ecological magnitude does not itself determine cultural significance. Continued fish availability does not determine effects upon customary relationships. Distance from already identified sites does not establish that all relevant Ngāti Tū values have been identified. Mitigation developed for other authorities does not establish Ngāti Tū cultural acceptability.

The reliability of those conclusions also depends upon an accurate understanding of the underlying engagement and mandate record. Ngāti Tū does not allege dishonesty or deliberate misrepresentation. The concern is that descriptions of Ngāti Tū engagement, “*CIA progress*”, representation and the absence of a later response require the fuller context identified above before they are relied upon to explain why no Ngāti Tū cultural assessment exists or to support substantive cultural-effects conclusions.

Failure 5 therefore completes the evidential chain:

1. **Ngāti Tū is independently recognised as holding interests relevant to the affected marine environment**
2. **No other person or CIA has been demonstrated to hold authority to assess those interests on Ngāti Tū's behalf**
3. **No Ngāti Tū-specific cultural-effects assessment was undertaken**
4. **The relevant planning provisions require tangata whenua-specific cultural evidence**
5. **Yet, the AEE nevertheless reaches affirmative conclusions concerning customary fishing, cultural significance, mitigation and overall cultural effects.**

The resulting issue is therefore more substantial than an omitted CIA. **The Panel presently has conclusions before it concerning matters engaging Ngāti Tū interests without the corresponding Ngāti Tū cultural evidence necessary to determine whether those conclusions are complete, culturally accurate and appropriately addressed.**

4 Technical Evidence and Cultural-Effects Limitations

The application contains substantial technical assessment concerning fisheries, benthic ecology, seabed disturbance and recovery, cup corals and cumulative effects. That evidence is relevant to understanding the predicted physical and ecological consequences of the proposal.

Its function is nevertheless distinct from cultural-effects assessment. Technical evidence can identify the nature, magnitude, duration and uncertainty of environmental change, but it cannot itself determine the cultural significance of that change to Ngāti Tū.

For example, a technical conclusion that fish populations are expected to remain available does not determine whether extraction affects Ngāti Tū customary relationships, tikanga, mauri, customary practices or kaitiakitanga responsibilities. Similarly, predicted ecological recovery does not establish whether the nature, duration or reversibility of disturbance is culturally acceptable to Ngāti Tū.

The same distinction applies where technical evidence identifies uncertainty concerning recovery, cumulative effects or marine values. Such uncertainty may itself have cultural significance, but that significance cannot be determined without the relevant Ngāti Tū evidence.

Accordingly, the technical assessments do not cure the cultural-effects evidential gap identified above. They provide information capable of informing a Ngāti Tū cultural-effects assessment; they are not a substitute for that assessment.

5 Consequences for Panel Decision-Making

The consequences for the Panel can be reduced to five propositions.

1. **Ngāti Tū is an independently recognised tangata whenua interest, but no equivalent Ngāti Tū cultural-effects evidential foundation is before the Panel.**
Ngāti Tū's relevance to the affected marine environment is established through the application record, customary-fisheries framework, MACA process and direct engagement with MBL. MBL consulted Ngāti Tū, but that engagement did not result in a Ngāti Tū-led or Ngāti Tū-authorized cultural-effects assessment.
2. **Neither contact with other individuals nor the three commissioned CIAs supplies the missing Ngāti Tū evidence.**
No project-specific mandate has been demonstrated for Riki Solomon, Te Parawhau, Patuharakeke or Ngātiwai to determine or communicate Ngāti Tū's cultural position. The three CIAs are legitimate but authority-specific assessments. Their existence therefore does not establish Ngāti Tū values, effects, cultural significance, mitigation requirements or position on the proposal.
3. **The absence of Ngāti Tū evidence is material under the applicable planning framework.**
The relevant provisions require consideration of tangata whenua-specific matters including customary fisheries, mana moana, cultural relationships and practices, mātauranga, kaitiakitanga, mauri and places of significance. Critically, provisions including D.1.2 and D.1.5 require identification of the relevant tangata whenua and contemplate assessment undertaken by, or cultural evidence determined or endorsed by, that tangata whenua. Those requirements have not been demonstrated for Ngāti Tū.
4. **The AEE nevertheless reaches affirmative conclusions concerning matters engaging Ngāti Tū interests.**
These include conclusions concerning customary fishing within the shared rohe moana, cultural significance, places and values of significance to tangata whenua, the range of Te Ao Māori perspectives, mitigation and overall cultural effects. Technical evidence can inform those questions but cannot determine their cultural significance or acceptability for Ngāti Tū. The issue is therefore not that the AEE's conclusions are necessarily wrong, but that **their completeness and reliability in relation to Ngāti Tū have not been demonstrated.**
5. **The resulting gap is material to the evidential foundation available for the Panel's determination.**
The consultation record also requires the fuller context identified above concerning the Ngāti Tū assessment pathway, representative authority, references to "CIA progress" and the later description of an anticipated response as "not received". Those matters help explain why the missing evidence is absent, but the substantive issue is ultimately independent of fault: the Panel presently has cultural-effects and planning conclusions relevant to Ngāti Tū without the corresponding Ngāti Tū cultural evidence required to test them.

Taken together, these matters establish a continuous evidential chain:

- 1. Ngāti Tū is independently recognised**
- 2. No authorised Ngāti Tū cultural-effects assessment exists**
- 3. The existing CIAs cannot supply that evidence**
- 4. The planning framework requires tangata whenua-specific cultural information**
- 5. The AEE nevertheless reaches Ngāti Tū-relevant conclusions**
- 6. A material evidential gap remains before final determination.**

The issue for the Panel is therefore not whether further consultation would be desirable in the abstract. It is whether the application can safely be determined while a material category of cultural evidence required to assess an independently recognised tangata whenua interest remains absent.

6 Statutory Pathway and Relief Sought

Ngāti Tū acknowledges that the ordinary statutory period for comments under ss 53 and 54 of the Fast-track Approvals Act 2024 has expired. The present request does not depend upon reopening that comment period.

The issue raised is one of **information sufficiency for the Panel's substantive decision**. Section 67 provides mechanisms through which the Panel may obtain further information or commission a report before making its decision under s 81.

6.1 Section 67 Provides a Present Mechanism to Address the Evidential Gap

Under **s 67(1)(a)(iv)**, the Panel may direct the EPA to request further information from a person or group invited to provide comments under s 53. Ngāti Tū was expressly identified by the Panel as a group required to be invited under s 53(2)(e) and therefore falls within the class from whom further information may be requested.

Separately, **s 67(1)(b)** enables the Panel, before making its decision under s 81, to direct the EPA to prepare or commission a report on an issue relevant to the application.

That second mechanism is particularly suited to the issue identified in this report. The deficiency is not simply that Ngāti Tū wishes to make additional comments. It is that the application presently lacks an identifiable body of authorised Ngāti Tū cultural evidence against which effects upon Ngāti Tū interests can be assessed. A report capable of addressing that gap could include an appropriately scoped Ngāti Tū-led cultural-effects assessment addressing matters such as:

- Ngāti Tū relationships with Te Ākau/Bream Bay and the affected marine environment;
- relevant mana moana, customary-fisheries and kaitiakitanga interests;
- cultural values, resources, practices and relationships potentially affected by extraction;
- the cultural significance of the physical and ecological effects identified in the application;
- effects upon mauri, tikanga, customary practices and cultural responsibilities;
- the significance and acceptability of those effects from a Ngāti Tū perspective; and
- appropriate avoidance, mitigation, monitoring, management measures and consent conditions.

Section 67 therefore provides a mechanism directed to the adequacy of the evidential record before decision, rather than requiring the present request to be characterised as an attempt to reopen the earlier comment process.

Information or a report obtained under s 67 is provided through the statutory process, and s 81 requires the Panel to consider material received through the specified statutory mechanisms, including s 67, when determining the application.

The Act also contains a cost-recovery framework for functions undertaken in processing substantive applications, including the obtaining of advice and services. Ngāti Tū therefore

does not ask the Panel to determine within this request precisely how the costs of any further assessment should ultimately be allocated. It asks the Panel to use the statutory mechanism available to ensure that the missing evidence is obtained on an appropriately resourced basis.

6.2 The Evidential Gap Falls Within the Panel’s Substantive Decision-Making Task

The Ngāti Tū evidence sought is directly relevant to matters the Panel must consider when determining the resource consent.

Schedule 5 requires assessment of actual and potential effects, including cultural effects and effects upon resources possessing spiritual or cultural value. It also requires consideration of affected persons and the views arising through consultation, including those of iwi and hapū.

The planning provisions examined in Section 3.7 further demonstrate that the missing information is not collateral to the application. It concerns matters directly relevant to the assessment of tangata whenua relationships, customary fisheries, mana moana, kaitiakitanga, mātauranga, mauri, places of significance, cultural effects and appropriate mitigation.

The issue is therefore one of the **substantive evidential foundation upon which the Panel is being asked to determine the application.**

The Panel has not yet made its decision under s 81. Processing of the substantive application was suspended on 2 September 2026 to enable amendment of the application to seek a further wildlife approval. The temporal limitation upon the exercise of s 67 — that it occur before the Panel makes its decision under s 81 — has therefore not been reached.

6.3 Relief Sought

Ngāti Tū respectfully requests that the Panel:

1. **Recognise that the application presently contains a material Ngāti Tū-specific cultural-effects evidential gap.**
2. **Recognise that the Cultural Impact Assessments prepared for Te Parawhau, Patuharakeke and Ngātiwai do not constitute an assessment of Ngāti Tū cultural values or effects and have not been demonstrated to have been authorised for that purpose.**
3. **Where necessary for its assessment, require clarification of the application record concerning Ngāti Tū engagement, representative authority and the cultural-assessment pathway**, including the context surrounding references to “CIA progress” and the later recording of an anticipated Ngāti Tū response as “not received.”
4. **Direct the EPA under s 67(1)(b) to commission a report capable of addressing the identified Ngāti Tū-specific cultural-effects evidential gap**, with an appropriately scoped and resourced Ngāti Tū-led cultural-effects assessment proposed as the appropriate mechanism for supplying that evidence.

5. **Alternatively, if the Panel considers s 67(1)(a)(iv) to be the more appropriate mechanism, direct the EPA to request the necessary further cultural information from Ngāti Tū.**
6. **Provide sufficient opportunity for the resulting evidence to inform the Panel's assessment of cultural and environmental effects, the relevant planning provisions, avoidance and mitigation, monitoring, management measures and proposed consent conditions before final conclusions are reached concerning Ngāti Tū interests.**
7. **Not finally determine cultural-effects questions concerning Ngāti Tū until the identified evidential gap has been adequately addressed.**

Ngāti Tū is ready to progress an appropriately scoped assessment promptly and constructively.

The purpose of this request is not to duplicate the cultural assessments already undertaken for other tangata whenua authorities, nor simply to revisit the earlier consultation process. It is to ensure that the Panel's determination proceeds on an **evidential foundation that is sufficiently complete and appropriately authorised for the Ngāti Tū interests upon which substantive cultural-effects and planning conclusions are being reached.**

Signed:

A handwritten signature in blue ink, consisting of several loops and a long vertical stroke at the end.

Maia Nova Honetana
Environmental Manager

For and on behalf of Ngāti Tū ki Ngāpuhi
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Appendix A – Ngāti Tū and Tangata Whenua Cultural-Evidence Audit

Table A1: Audit of Ngāti Tū and Tangata Whenua Evidence in the AEE and Supporting Cultural Assessments

Source: This audit reviews the Assessment of Environmental Effects and supporting application documents published for the Bream Bay Sand Extraction Project on the Ministry for the Environment Fast-track website and available to Ngāti Tū as at 10 September 2026. Paragraph, page and section references are provided where identifiable. Where the published material contains draft terminology, incomplete fields or apparent internal inconsistencies, these are recorded rather than corrected or inferred. The audit identifies the principal matters relevant to the Ngāti Tū cultural-effects evidential gap. It does not suggest that every statement identified below is inaccurate. The purpose is to distinguish what the application evidence establishes from what it does not establish in relation to Ngāti Tū.

PART 1 – AEE and Application Record			
Source / reference	Statement or conclusion in application material	What the evidence establishes	Ngāti Tū issue or significance
AEE 2.15 – gazetted rohe moana	MPI confirmed that the proposed extraction area lies within the rohe moana for Ngāti Kahu, Parawhau, Ngāti Tū and Patuharakeke under Notice No. MPI 1353.	Provides independent formal recognition of Ngāti Tū as one of the named interests within the customary-fisheries rohe encompassing the extraction area.	Strong positive evidence that Ngāti Tū is independently relevant to the affected marine environment. Shared rohe does not establish authority for one named group to represent another.
AEE 5.54 – Te Parawhau description	The AEE reproduces the Te Parawhau CIA statement that Te Parawhau ki Tai today is an “amalgamation” including Ngāti Tū.	Records Te Parawhau’s description of its own contemporary identity.	Does not demonstrate that Ngāti Tū authorised Te Parawhau to determine or communicate Ngāti Tū’s project-specific cultural position. It should not be relied upon as evidence of representative mandate.
AEE 11.87 – customary fishing	The AEE concludes that the ability to undertake fishing within the rohe moana identified for Ngāti Kahu, Parawhau, Ngāti Tū and Patuharakeke “will not be impacted”.	Technical fisheries evidence may inform the likely availability, mobility and physical accessibility of fish.	Continued physical ability to fish does not establish absence of cultural effect upon Ngāti Tū customary fishing, mauri, tikanga, kaitiakitanga, customary practices or relationships with the rohe moana.
AEE 14.26 and 19.53 – Ngāti Tū response	The AEE records that Ngāti Tū was working on a response due by 3 November 2025 and states that it “has not been received to date”.	Establishes that the anticipated response was not subsequently supplied.	Incomplete without the 23 October hui context. MBL’s own minutes record referral of Maia to Te Parawhau, Patuharakeke and Ngātiwai, while Maia’s evidence is that Ngāti Tū had sought its own CIA and understood that MBL would not commission another assessment. Read alone, the AEE wording may imply that Ngāti Tū simply failed to complete an available assessment process.

Attachment 5D – MACA applicant table	Ngāti Tū is recorded as wishing to be consulted, followed by the statement that correspondence was ongoing regarding “CIA progress”.	Records continued engagement but does not identify a Ngāti Tū CIA commission, scope, methodology, author, programme or funding arrangement.	Capable of conveying that an agreed Ngāti Tū CIA workstream existed and remained incomplete. The underlying record does not demonstrate that such a pathway had been established.
AEE 9.24 – kaitiakitanga	The AEE describes mechanisms developed through consultation with Te Parawhau and ongoing engagement with Patuharakeke and Ngātiwai concerning the exercise of tangata whenua kaitiakitanga.	Demonstrates that cultural evidence from authorities informed proposed participation and management arrangements.	No equivalent Ngāti Tū kaitiakitanga pathway is identified despite Ngāti Tū’s separately recognised interest. Arrangements developed with other authorities do not establish how Ngāti Tū kaitiakitanga should be exercised.
AEE 11.100 – mitigation arising from Te Parawhau CIA	Te Parawhau CIA recommendations are stated to have informed management plans, proposed conditions and a substantive relationship agreement.	Demonstrates the practical assessment pathway available where authority-specific cultural evidence was obtained: values → effects → recommendations → management and conditions.	Useful comparator. No equivalent Ngāti Tū sequence is identified. Te Parawhau mitigation cannot establish Ngāti Tū values, thresholds or appropriate responses without Ngāti Tū authority.
AEE 12.45– 12.46 – NZCPS Policy 2	The AEE assesses tangata whenua relationships, mātauranga, kaitiakitanga and Te Ao Māori effects principally through the three commissioned CIAs.	Establishes the perspectives of Te Parawhau, Patuharakeke and Ngātiwai.	Ngāti Tū is independently recognised elsewhere in the AEE but is absent from this substantive policy assessment. The three CIAs do not establish Ngāti Tū mātauranga, cultural values, kaitiakitanga or effects.
AEE 12.164 – identified places of significance	MBL relies upon distance from identified places of significance to tangata whenua in concluding that extraction would not be an inappropriate use of this part of Te Ākau/Bream Bay.	Supports assessment of the places and values that had actually been identified in the material before the applicant.	An identified-sites approach is only as complete as the cultural evidence used to identify those sites. No Ngāti Tū assessment establishes whether the seabed, fisheries, wider marine landscape or other relationships carry Ngāti Tū significance not captured by existing identified sites.
AEE 12.166 – Policy D.1.1	D.1.1 requires analysis where effects on coastal indigenous biodiversity affect tangata whenua cultural or traditional activities and in other specified circumstances.	Establishes that the planning trigger is broader than effects upon mapped cultural sites alone.	Directly connects ecological evidence with the missing cultural evidence. Technical findings about biodiversity do not determine whether environmental change affects Ngāti Tū cultural and traditional activities.

Policy D.1.2 / AEE 12.168–12.170	D.1.2 requires identification of the relevant tangata whenua, an evidence-based assessment and, as best practice, requesting that the relevant tangata whenua undertake the assessment in the first instance. The AEE responds that three CIAs form part of the application and refers to consultation with Ngātiwai, Te Parawhau and Patuharakeke.	Establishes that MBL obtained substantial cultural evidence from those three authorities.	Central evidential gap. No assessment is identified as relating to Ngāti Tū, undertaken or authorised by Ngāti Tū, or addressing Ngāti Tū cultural resources, practices, mātauranga, mauri, effects and mitigation.
AEE 12.172 – Policy D.1.4	The AEE states that there is not a singular Te Ao Māori view of the degree of adverse effects, relying upon the three commissioned CIAs.	Correctly demonstrates that the three assessed authorities hold different cultural positions.	The three positions do not establish the complete range of relevant tangata whenua perspectives where Ngāti Tū, a separately recognised interest, has not been culturally assessed.
Policy D.1.5 / AEE 12.173	D.1.5 identifies matters including mana moana, fisheries, marine travel, kaitiakitanga, whanaungatanga and mauri and requires relevant tangata whenua endorsement. The AEE relies upon the three CIAs and recognises Te Ākau/Bream Bay as having significant spiritual and cultural significance to iwi.	Confirms both the cultural significance of Te Ākau/Bream Bay and the authority-specific evidential requirements of the policy.	Central evidential gap. No Ngāti Tū assessment identifies or endorses the relevant Ngāti Tū values. The three existing CIAs cannot be treated as Ngāti Tū evidence without demonstrated mandate or endorsement.
AEE 12.174 – range of Te Ao Māori views	The AEE identifies differing positions held by Te Parawhau, Ngātiwai and Patuharakeke and notes that there is no singular Te Ao Māori view.	Establishes diversity between the three authorities whose evidence was obtained.	Recognition that cultural perspectives differ strengthens the need for Ngāti Tū evidence. The AEE cannot determine where Ngāti Tū sits within the range, or whether it identifies additional or materially different effects, without that evidence.
AEE 12.234 – Objective 11.3 / Policy 11.4.1	The planning framework requires recognition of tangata whenua relationships with the coast and their concerns and cultural perspectives concerning coastal resources, especially seafood.	Directly engages cultural relationships with fisheries and marine resources.	Particularly significant given the gazetted Ngāti Tū customary-fisheries interest. Ecological evidence concerning seafood availability cannot establish Ngāti Tū's cultural perspective, relationships or effects.
PART 2 – Existing Cultural Impact Assessments			

Source / reference	Statement or conclusion in application material	What the evidence establishes	Ngāti Tū issue or significance
Te Parawhau ki Tai CIA – overall scope	The CIA is expressly directed to Te Parawhau values, mātauranga, relationships, effects and recommendations and applies a Te Parawhau cultural and environmental framework.	Provides substantive authority-specific cultural evidence for Te Parawhau and demonstrates how that evidence informed monitoring, management and other responses.	It is not identified as a Ngāti Tū-authorised assessment. Its specificity demonstrates why it cannot establish Ngāti Tū values or effects merely because interests overlap.
Te Parawhau ki Tai CIA, p 52	States that Te Parawhau ki Tai today is an “amalgamation” including Ngāti Tū.	Records Te Parawhau’s own description of its contemporary identity.	Does not itself demonstrate project-specific authority to assess or represent Ngāti Tū. The Panel does not need to determine wider historical or cultural relationships to determine that mandate has not been demonstrated for this proposal.
Patuharakeke CIA – overall scope	Assesses the proposal through Patuharakeke customary authority, mātauranga, tikanga, kaitiakitanga, relationships and responsibilities.	Provides detailed Patuharakeke-specific cultural evidence and demonstrates the authority-specific character of cultural-effects assessment.	It does not purport to be an Ngāti Tū assessment and does not establish Ngāti Tū values, effects or cultural position.
Patuharakeke CIA 6.2.10	Expressly recognises the combined Rohe Moana Te Rerenga Paraoa with Ngāti Kahu, Te Parawhau and Ngāti Tū and records that the proposed extraction area lies within it.	Positive evidence that Ngāti Tū is separately named alongside the other interests within the shared customary-fisheries rohe.	Supports the distinction between shared rohe and shared mandate. Recognition of overlapping interests does not make the respective cultural authorities or assessments interchangeable.
Ngātiwai CIA – overall scope	The CIA applies Ngātiwai cultural values, environmental-management principles, kaitiakitanga, mahinga kai, fisheries, mauri and intergenerational responsibilities in assessing the proposal.	Provides substantive Ngātiwai-specific cultural evidence and identifies Ngātiwai’s own assessment of effects and appropriate responses.	Nothing in the material identifies the assessment as undertaken for Ngāti Tū or authorised to determine Ngāti Tū cultural effects.

Overall Audit Finding

The application contains substantial tangata whenua evidence. The audit does not identify an absence of cultural assessment generally.

It identifies a different and more specific problem:

Ngāti Tū is independently recognised within the affected marine environment → the cultural evidence relied upon in the application was generated for other authorities → no project-specific authority has been demonstrated for those authorities to assess Ngāti Tū → no equivalent Ngāti Tū cultural-effects assessment is identified → yet the AEE proceeds to make cultural-effects and planning conclusions relevant to Ngāti Tū interests.

The audit therefore supports the conclusion that the application presently contains a **material Ngāti Tū-specific cultural-effects evidential gap**, rather than merely an absence of an additional document titled “Cultural Impact Assessment”.

Appendix B – Maia Nova Honetana Statement

Statement of Maia Nova Honetana

Ngāti Tū ki Ngāpuhi – McCallum Brothers Limited Te Ākau/Bream Bay Sand Extraction Proposal

I, **Maia Nova Honetana**, also known as **Maia Nova**, make this statement to clarify my role in Ngāti Tū ki Ngāpuhi's engagement with McCallum Brothers Limited (MBL), the authority of persons and organisations referred to in the application record, and my recollection of the hui held with MBL on 23 October 2025.

I confirm that the matters stated below are true and correct to the best of my knowledge and recollection.

A. Authority and Mandate

1. During 2025, I was authorised to communicate and engage with MBL on behalf of Ngāti Tū ki Ngāpuhi in relation to the proposed Te Ākau/Bream Bay sand extraction project.
2. Karen Courtney attended the meeting with MBL on 23 October 2025 in support of me and Ngāti Tū. She was not attending in place of me or as a separate representative superseding my role.
3. Brooke Loader was involved through the Marine and Coastal Area (Takutai Moana) Act 2011 and associated legal correspondence. Her involvement did not alter my role as the Ngāti Tū representative engaging with MBL concerning this proposal.
4. Riki Solomon did not hold project-specific mandate from Ngāti Tū to represent Ngāti Tū in relation to the MBL sand extraction proposal, its Fast-track application or its cultural-effects assessment.
5. I understand that Mr Solomon held or holds a tangata kaitiaki appointment in relation to customary fisheries within the shared rohe moana. Ngāti Tū did not regard that appointment as authorising him, without separate mandate, to represent Ngāti Tū in relation to this proposal.
6. Ngāti Tū did not authorise Mr Solomon to determine or communicate Ngāti Tū cultural values or effects, undertake or contribute to a CIA on behalf of Ngāti Tū, determine Ngāti Tū's cultural position on the proposal, or negotiate mitigation, conditions or other project-specific cultural outcomes on its behalf.
7. Ngāti Tū also did not authorise Te Parawhau, Te Pouwhenua o Tiakiriri Kūkupa Trust, Patuharakeke Te Iwi Trust Board or Ngātiwai Trust Board to represent Ngāti Tū or assess cultural effects on behalf of Ngāti Tū for this proposal.
8. Ngāti Tū recognises that iwi and hapū may hold overlapping cultural and customary interests within Te Ākau/Bream Bay. In my understanding, overlapping interests do not themselves give one person or organisation authority to determine or communicate another hapū's position.
9. To my knowledge, Ngāti Tū gave no project-specific mandate to any of the persons or organisations identified above to undertake that representative role for the MBL proposal.

B. The 23 October 2025 Hui

10. On 23 October 2025, I attended a face-to-face hui with MBL concerning the proposed sand extraction project. Karen Courtney attended with me in support of Ngāti Tū.
11. At that hui, I made clear that Ngāti Tū wished to be consulted directly and wished to undertake its own Cultural Impact Assessment.
12. My recollection is that MBL advised that it had already committed expenditure to CIAs involving Ngātiwai, Patuharakeke and Te Parawhau and that it was not prepared to commission and fund a further Ngāti Tū CIA.
13. I recall one of the MBL representatives saying words to the following effect:

“We do not have any money for a CIA, talk to Parawhau. We have already forked out enough to Te Parawhau. We are not obliged by law to pay for a CIA; we are here as a matter of courtesy for consideration. I suggest you talk to Te Parawhau about it.”

14. I record those words as my recollection of what was said. I do not suggest that they are a transcript.
15. I understand that MBL’s subsequently circulated written minutes do not record the discussion concerning CIA funding, MBL’s view of its legal obligations, or the statement concerning attendance as a matter of courtesy.
16. MBL’s written minutes do, however, record that I was referred to Te Parawhau, Patuharakeke and Ngātiwai and that MBL wished to be informed of the outcomes of those discussions.
17. I left the hui with the clear understanding that MBL was not offering a separate Ngāti Tū CIA pathway and that the pathway being suggested was for Ngāti Tū to engage with the iwi and hapū whose cultural assessments were already being undertaken.
18. I also left the hui feeling that Ngāti Tū’s request for its own assessment had not been heard and had effectively been dismissed. MBL’s position appeared clear to me.
19. Neither Karen Courtney nor I subsequently responded to MBL’s circulated minutes to correct or supplement them. Our lack of response should not be understood as agreement that the minutes recorded the full substance or tenor of the hui.
20. I did not continue pressing MBL to commission a Ngāti Tū CIA because, following the hui, I understood that MBL had made its position clear and I did not consider there was any practical purpose in continuing to challenge that position directly.

C. Engagement Following the Hui

21. MBL continued to communicate with Ngāti Tū after the hui.
22. On 23 October 2025, MBL provided Karen Courtney and me with access to a substantial suite of draft technical assessments and management plans and invited us to raise questions or concerns.
23. I therefore do not say that MBL refused to communicate with Ngāti Tū after the hui.
24. However, I did not understand the provision of those documents to mean that MBL had changed its position concerning a separate Ngāti Tū CIA.
25. My understanding was that Ngāti Tū was being invited to review and comment upon MBL’s technical material, while the project-specific cultural-assessment process would continue through the CIAs already commissioned from other groups.
26. I did not regard receiving the applicant’s technical reports and management plans as equivalent to an Ngāti Tū cultural-effects assessment through which Ngāti Tū could identify its own cultural values, assess effects upon those values, determine their significance or develop Ngāti Tū-specific recommendations, mitigation or conditions.

D. Purpose of this Statement

27. I make this statement so that the record accurately reflects:
 - my authority to engage with MBL on behalf of Ngāti Tū concerning this proposal;
 - the absence of project-specific authority for the other persons or organisations identified above to provide Ngāti Tū cultural evidence or determine Ngāti Tū’s position;
 - my recollection of the discussion at the 23 October 2025 hui;
 - the pathway proposed to Ngāti Tū following that discussion; and
 - my understanding that no separate Ngāti Tū CIA or equivalent cultural-effects assessment pathway was being offered by MBL.

I confirm that the matters stated above are true and correct to the best of my knowledge and recollection.

Signed:

A handwritten signature in blue ink, consisting of a large, stylized 'M' shape with a loop at the top and several vertical strokes extending downwards.

Maia Nova Honetana
Environmental Manager

For and on behalf of Ngāti Tū ki Ngāpuhi
Email: ngatituhapu.office@gmail.com
Email: nttm2022@gmail.com

Appendix C – Key Tangata Whenua and Cultural-Effects Planning Provisions

Provision	Planning document	Reason for inclusion
Policy D.1.1 – When an analysis of effects on tāngata whenua and their taonga is required	Proposed Regional Plan for Northland	Establishes the trigger for tangata whenua assessment, including effects on cultural and traditional activities, Māori non-commercial fisheries, biodiversity and places of significance.
Policy D.1.2 – Requirements of an analysis of effects on tāngata whenua and their taonga	Proposed Regional Plan for Northland	Essential. This is one of the two strongest provisions. It establishes the required assessment methodology: relevant tangata whenua, best-practice request that they undertake the assessment, evidence base, mātauranga, cultural resources and practices, mauri, effects and mitigation.
Policy D.1.4 – Managing adverse effects on places of significance to tāngata whenua	Proposed Regional Plan for Northland	Establishes the effects-management requirement once relevant tangata whenua values have been identified.
Policy D.1.5 – Places of significance to tāngata whenua	Proposed Regional Plan for Northland	Essential. The second strongest provision. Demonstrates that significance extends beyond mapped sites to matters such as mana moana, fisheries, marine travel, kaitiakitanga, whanaungatanga and mauri, and requires identification/endorsement by the relevant tangata whenua community.
Objective F.1.9 – Kaitiakitanga	Proposed Regional Plan for Northland	Supports the requirement to recognise and provide for tangata whenua kaitiaki roles in decision-making.
Objective F.1.12 – Places of significance to tāngata whenua	Proposed Regional Plan for Northland	Supports the argument that cultural significance concerns the values of places, not merely whether extraction overlaps a mapped cultural site.
Objective 11.3 – Tangata whenua relationships with the coast	Operative Regional Coastal Plan for Northland	Important. Requires management of coastal resources in a manner recognising and respecting tangata whenua traditional and cultural relationships with the coast.
Policy 11.4.1 – Tangata whenua concerns and cultural perspectives	Operative Regional Coastal Plan for Northland	Important. Particularly strong because it expressly concerns tangata whenua perspectives regarding coastal resources, especially seafood , directly connecting with Ngāti Tū’s customary-fisheries interest.
Policy 23.4.3 – Sand extraction	Operative Regional Coastal Plan for Northland	Useful because it is activity-specific and requires adverse effects of sand extraction on ecological, cultural and amenity values to be addressed.
Policy 2 – Treaty of Waitangi, tangata whenua and Māori heritage	New Zealand Coastal Policy Statement 2010	Essential. Provides the national framework for tangata whenua relationships, mātauranga Māori, meaningful engagement, kaitiakitanga and Māori cultural values in the coastal environment.
Policy 6 – Activities in the coastal environment	New Zealand Coastal Policy Statement 2010	Relevant to the balancing exercise because it recognises the benefits and locational needs of activities such as mineral extraction while requiring consideration of coastal values.
Policy 15 – Natural features and natural landscapes	New Zealand Coastal Policy Statement 2010	Relevant because cultural and spiritual values for tangata whenua form part of landscape and seascape assessment and cannot necessarily be reduced to mapped sites.