

BEFORE THE FAST-TRACK EXPERT PANEL

IN THE MATTER

An application for approvals under section 42 of  
the Fast-track Approvals Act 2024 (“FTAA”)

AND

IN THE MATTER

Te Ākau Bream Bay sand extraction, a project  
listed in Schedule 2 to the FTAA

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STATEMENT OF CULTURAL EVIDENCE OF APERAHAMA KEREPEI-EDWARDS FOR NGĀTIWAI  
TRUST BOARD AND TE PATUHARAKEKE TE IWI TRUST BOARD

26 MAY 2026

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## 1. INTRODUCTION

- 1.1 Ko Aperahama Kerepeti-Edwards taku ingoa, he uri ahau no nga hapū maha o Ngatiwai, o Te Waiariki, o Ngati Kahungunu hoki. Ko taku kainga matua kei Matapouri engari ara atu anō aku hononga, me aku herenga kite rohe whanui o Ngatiwai. Ko ahau hoki tetahi o nga uri I whakatupua i waenganui i nga korero tuku iho o te iwi o Ngātiwai kia mau i ahau nga matauranga o ōku wheinga, o ōku matua tupuna.
- 1.2 My name is Aperahama Kerepeti-Edwards
- 1.3 I am the current Chairman of the Ngātiwai Trust Board, a position I have held since July 2020. I am also a trustee for Matapouri marae on the Trust Board, a position I have held since April 2017.
- 1.4 In this statement of evidence, I briefly outline the nature of the Ngātiwai relationship with Te Ākau and in terms of both our history and our tikanga. While my focus is on Ngātiwai as a whole, I wish to make it clear that Patuharakeke is a hapū with strong connections to Ngātiwai, particularly with respect to the rohe moana.
- 1.5 I have to note our concern with the large number of iwi and hapū groups that have been invited to participate in this process. While it is essential, as a matter of principle, that iwi and hapū who hold mana whenua, mana moana are able to participate in processes such as this, I believe the net has been cast far too wide in this case, to include groups that have no connection to the application area. For example:
  - 1.5.1 Groups that have applications under the Marine and Coastal Area (Takutai Moana) Act 2011 (the Takutai Moana Act) that notionally appear to cover the application area, but who produced no compelling evidence of their connection to it in Court (see para 3 below in relation to that hearing). Examples of groups I would put in this category include Ngā Hapū o Tangaroa ki Te Ihu o Manaia tai atu ki Mangawhai (MAC-01-01-040/CIV-2017-404-579) and various applicants claiming to represent Ngāpuhi Nui Tonu;
  - 1.5.2 Groups with applications under the Takutai Moana Act that do not include the application area, such as Te Waiariki, Ngāti Kororā, Ngāti Takapari (MAC-01-01-013/CIV-2017-404-566);
  - 1.5.3 Post-Settlement Governance Entities that do not have a connection with the application area, such as Te Uri o Hau Settlement Trust and Te Kawerau Iwi Settlement Trust<sup>1</sup>

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<sup>1</sup> The Ngāti Manuhiri Settlement Trust has also been invited to comment and we acknowledge Ngāti Manuhiri as one of the hapū that has interests as Ngātiwai uri and as beneficiaries of the Māori Fisheries Settlement assets held by the Ngātiwai Trust Board; see Statement of Evidence of Brandon Patuone Nehua.

## 2. ORIGINS OF NGĀTIWAI AND CONNECTION WITH TE ĀKAU

- 2.1 As Ngātiwai, we trace our whakapapa back to the first settlers of the East coast of Te Tai Tokerau. Although Ngātiwai emerged out of a number of older iwi groups, it is the unbroken line of descent from the eponymous ancestor Manaia, his descendant Manaia II and his people of Ngāti Manaia which gives our iwi its distinct identity.
- 2.2 In Ngātiwai tradition, Manaia was the first to occupy the Whangārei area, although he subsequently settled in various places further north. Whangārei Terenga Paraoa was also where Manaia met his end, and he stands to this day at the mouth of the Harbour, as Mt Manaia, looking south over Te Ākau.
- 2.3 Ngāti Manaia was established in its heartland of Whangaruru and Mimiwhangata by the 1600s, but there is evidence that its people regularly travelled Te Akauroa (the long coastline) from Motukōkako (Piercy Island) off Cape Brett south to Mahurangi. It was in the time of the tupuna Rangihokaia that the substantive southward migration of Ngāti Manaia and the occupation of islands including Marotere and Taranga began. It was in this period that the iwi became known as Ngātiwai ki te moana.
- 2.4 The Ngātiwai rohe stretches from the coast at Tāpeka Point (in the Bay of Islands), east to Motukōkako (off Cape Brett) in the north, to the coast abutting the Matakanakana River (in the Mahurangi) and Te-Mau-Tohorā-o-Manaia (Motuora Island off Aotea (Great Barrier Island)) in the south. For many generations, that rohe was the main highway, by which Ngātiwai hapū and whānau travelled, fished and traded between a network of coastal and island-based communities.
- 2.5 Over the centuries, Te Ākau has remained important to Ngātiwai, both as part of the navigational route that our tūpuna would traverse between the offshore islands dotted along our coastline and coastal communities, and as a source of kaimoana.
- 2.6 So important is the area of Te Ākau to Ngātiwai identity, that the Marotere (or Marotiri) Islands that lie at the outer edge of the Bay – Māui Tikitiki a Taranga, Māuitaha, Māuimua (Lady Alice Island), Māuiroto (Whatupuke Island) and Māuipae (Coppermine Island) – feature in Ngātiwai traditions related to the birth of Māui Tikitiki a Taranga and his brothers. Māui would go on to fish up his great Ika, and its remains lying further south, with Aotea and the smaller rocks and islets off the Mahurangi coastline being the scales and spines of the fish (Ngā Unahi me Ngā Taratara o Te Ika Roa a Māui) discarded by his brothers.

## 3. CONTEMPORARY EVIDENCE

- 3.1 We presented extensive evidence of Ngātiwai connections with Te Ākau and – in particular, the motu of Marotere and Taranga – in the hearing of the application made by the Ngātiwai Trust Board on behalf of the whānau, hapū and iwi of Ngātiwai under the Takutai Moana Act.
- 3.2 I have to say that Ngātiwai has always opposed the Takutai Moana Act, and the Foreshore and Seabed Act 2004 that preceded it. It is our position that those laws were designed to dispossess us of our traditional rohe moana, not to recognise and

uphold our mana and rangatiratanga. Nonetheless, we filed an application and participated in the hearing under protest, as we had no option but to seek to protect our rights as best we could.

- 3.3 Filed with this Statement of Evidence are copies of the following evidence filed by the Ngātiwai Trust Board for the hearing, which was held in Whangārei in August 2024:
- 3.3.1 Joint affidavit of Te Warahi Kokowai Hetaraka, Hori Te Moanaroa Parata, Honeri Rapata, Harry Maki-Midwood, Ngawaka Haswell Grant Pirihi, Herbert Manapiri and Aperahama Kerepeti-Edwards, dated 1 February 2024;<sup>2</sup>
  - 3.3.2 Affidavit of Tony Walzl dated 7 February 2024 and report titled ‘Customary Associations of Ngātiwai with the Marotere and Taranga Islands’ dated 31 January 2024;
  - 3.3.3 Affidavit in reply of Reuben Dayhal Williams dated 11 July 2024;
  - 3.3.4 Affidavit in reply of Marino Moana Jane Armstrong dated 15 July 2024;
  - 3.3.5 Affidavit in reply of Morore Kai Piripi dated 15 July 2024;
  - 3.3.6 Affidavit in reply of Hepi Rongopai Haika dated 17 July 2024; and
  - 3.3.7 Affidavit in reply of Phillip Rex Wellington dated 18 July 2024.
- 3.4 Almost all of those witnesses presented their evidence to the Court in person and were cross-examined on it. Sadly, some of the kaumātua involved have since passed away.
- 3.5 We were confident that our evidence satisfied the test for Customary Marine Title under the Takutai Moana Act, but unfortunately no decision was ever released, and retrospective amendments to the Act in late 2025 have resulted in a re-hearing being scheduled for April 2027.
- 3.6 In his evidence to the High Court, our kaumātua Hepi Hakia (now deceased) recounted how a group of Ngātiwai retraced those old navigation routes from Whangaruru to Aotea (Great Barrier Island) in the 1980s. He also talked about fishing in the Bay, and about rāhui would be put in place by Ngātiwai kaumātua when circumstances called for it.
- 3.7 Phillip Wellington also provided evidence about fishing in the Bay, based on his lifelong experience as a fisherman, including a period of commercial fishing. His evidence included a chart on which he marked a number of good fishing spots. The area marked 4 on that chart, which Phillip identified as a good area for targeting snapper and trevally, appears to be very close to the proposed mining area.

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<sup>2</sup> This affidavit, which was jointly sworn by me and a number of Ngātiwai kaumātua, was filed jointly on behalf of the Ngātiwai Trust Board, the Patuharakeke Te Iwi Trust Board, and a third applicant, Kare Rata, whose application was also filed on behalf of ngā hapū o Ngātiwai.

- 3.8 Te Ākau is an integral part of the customary and ancestral relationship of Ngātiwai and Patuharakeke with the takutai moana. It forms part of a continuous cultural and spiritual landscape extending from the whenua into the moana. Our tūpuna exercised mana whakahaere and kaitiakitanga throughout these inshore areas for generations, including the harvesting of kaimoana, the observance of rāhui, and the protection of wāhi tapu and taonga species.
- 3.9 The tikanga associated with Te Ākau reflects our obligations to maintain balance and reciprocity with the natural world. The health of the seabed, fisheries, tides, and coastal environment are inseparable from the wellbeing of our people. These relationships are affirmed through whakapapa, mātauranga, pūrākau, and continued customary practice.
- 3.10 Te Ākau also carries deep spiritual significance under our mana tuku iho. The mauri of these inshore areas remains connected to our ancestors and future generations, and any degradation of these environments is experienced not only as environmental harm, but also as cultural and spiritual harm.

#### 4. CONSEQUENCES OF UNBROKEN CONNECTION

- 4.1 In oral evidence to the High Court I described the relationship of Ngātiwai with Te Ākau and the whole of our rohe moana like this:

...ko Ngātiwai te – ko ngā hapū o Ngātiwai te mana i te whenua I waho rā i runga i ngā whenua, koia hoki te mana i te moana i runga i aua wai. Ka haere ake ngā whanaunga nō iwi kē, nō hapū kē atu, a mōhio tonu atu e haere atu nei i roto o Ngātiwai, ka manaakitia, a koirā te tikanga o taua kōrero. Me te mōhio hoki, i te wā o ngā tūpuna, ko Te Ākau-Roa-o-Ngātiwai ko te moana kei waho i Te Ākau-Roa-o-Ngātiwai, koia te huarahi matua tae mai ai te motu ki runga o Te Tai Tokerau, i tae ake rā i runga i Te Tai Tokerau ki runga i te motu, ka whakawhiti i te rohe o Ngātiwai. Nā reira, he mea nui tērā, te āta tiaki i te mana tuku iho e mau ana e Ngātiwai i runga i ngā pito whenua nei, otirā i te moana.

(The hapū from Ngātiwai are the mana on the land and they seat [sic], they are living on the land, and they are also the authority on the moana on the sea. And other people from other iwi and other hapū will come, they will know – they know they are going into Ngātiwai and they will be looked after and that is the – a customary practice of manaaki, of looking after and the long harbour of Ngātiwai is the main access where people coming to the north or the Tai Tokerau people will go down to other areas, they've got to across the Ngātiwai lands and it's a big thing to look after, to care for our

ancestral authorities that were handed down onto us to look after our land and our sea.)<sup>3</sup>

#### 4.2 And:

Me pēnei te kōrero, ko ngā motu e hora mai ana ki tai, me te ākau roa me ōna tini kōpikopikotanga ki uta, ko taua moana e hora mai ana i waenganui, koirā te marae nui o Ngātiwai. Koirā te wāhi tūtakitaki ai a Ngātiwai. Koirā te wāhi noho a Ngātiwai. He iwi moana a Ngātiwai. He nui ngā kōrero. Ia motu, ia toka, he ingoa tana, he mahi tana. Ngātiwai, he iwi kāhore i noho ki tētahi pito whenua pau te tau. Ka huri haere, ka huri haere, ka whakawhitiwhiti haere ki a tahutahu tonu i ngā ahi ki runga i ō mātou whenua. Mai te motu o Aotea, tae ake rā ki roto i te Pēwhairangi, ki uta anō hoki.

(I'd like to say that the islands that are in harbour and the ākau which is the harbour and all its bends and that. The water that's laid in front in the middle of it, that is where Ngātiwai live. That's where Ngātiwai met, and Ngātiwai is an iwi of people from the water. Hence the name Ngātiwai, Wai is water. They have a name, and they have a job to do. Ngātiwai did not live long on just land, but it kept going around to light the fires on all the lands that they settled on. From the Bay of Islands to the land.)<sup>4</sup>

- 4.3 The Ngātiwai and Patuharakeke connection to Te Ākau is strong, enduring, and inseparable from our tikanga and whakapapa. Our adherence to, observance of, and application of tikanga under our mana tuku iho remains strong today.
- 4.4 Our pūrākau and histories are intertwined with the moana and the seabed in this area. Te Ākau is not simply a physical place or resource to us — it is a taonga that carries mauri, mana, tapu, and ancestral connection. Through whakapapa we inherit obligations as kaitiaki to protect and uphold the integrity of these environments for future generations.
- 4.5 That connection continues to be expressed today through the exercise of kaitiakitanga, customary gathering practices, the protection of taonga species, the observance of rāhui where necessary, and the continued sharing of mātauranga with our tamariki and mokopuna. Our people continue to maintain a physical, cultural, and spiritual presence within these coastal areas despite the ongoing pressures placed upon the marine environment.

## 5. INVOLVEMENT IN APPLICATION TO DATE

- 5.1 We become aware of this application when information came out about it being included in the Schedule to the Fast-Track Approvals Act 2024. Ngātiwai, Patuharakeke and others in our community immediately mobilised to oppose this

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<sup>3</sup> Taken from High Court Notes of Evidence, Volume 2, p.14. Note that the translations are included in the Court record and are not my own.

<sup>4</sup> Notes of Evidence, Volume 2, p.9.

application, because we had seen the harm done by sand mining further down our coast at Pakiri.

- 5.2 Since last year we have worked with Patuharakeke to prepare to respond to this application, including input to the Cultural Impact Assessment (CIA), prepared by them.
- 5.3 I understand that the CIA concludes that the proposed mining will have adverse cultural impacts of such significance that the application must be declined. I endorse that conclusion.
- 5.4 From a tikanga perspective, seabed and sand mining are intrinsically offensive because they are destructive to the mauri and integrity of the moana and seabed. These environments are not viewed by Ngātiwai and Patuharakeke as commodities to be exploited, but as taonga handed down through whakapapa and protected under our responsibilities as kaitiaki.
- 5.5 The disturbance and extraction of the seabed breaks a sacred relationship between tangata whenua and the marine environment. It causes harm to taonga species, damages ecosystems, and undermines the balance and reciprocity that tikanga requires us to uphold. In doing so, it diminishes the mana and tapu of these environments and the people connected to them.
- 5.6 The seabed itself carries spiritual significance and ancestral connection. Activities that degrade or destroy it for commercial gain are fundamentally inconsistent with tikanga because they prioritise extraction and profit over protection, intergenerational wellbeing, and respect for the natural world.
- 5.7 For Ngātiwai and Patuharakeke, this is not solely an environmental issue. It is also a cultural and spiritual issue that directly impacts our relationship with our tūpuna, our taonga, and our identity as coastal peoples.

## 6. ADVERSE IMPACTS

- 6.1 This application will have significant adverse impacts on the cultural values of Te Ākau and also on our relationship with Te Ākau, the moana, and the taonga that live there.
- 6.2 Among the impacts of particular concern are:
  - 6.2.1 Physical impacts on scallops and other kaimoana in the Bay will adversely affect our ability to undertaking customary management and food gathering, as well as interfering with the transmission of matauranga from generation to generation that goes along with those practices;
  - 6.2.2 The extraction of sand from Te Ākau will harm the mauri of the area, leaving both physical and cultural scars;
  - 6.2.3 Being deprived of the ability to protect our rohe moana from having this violence done to it would be inconsistent with our responsibilities as kaitiaki, thus detracting from our mana;

- 6.2.4 Proposed conditions that appear to recognise Te Parawhau ki Tai as holding mana moana over the area are an affront to those who truly hold that mana;
- 6.2.5 If this application is granted, it would materially undermine our application under the Takutai Moana Act. If the 2024 hearing had resulted in that application being granted in respect of Te Ākau, this application could not have been granted as it would be contrary to our rights as recognised in a Customary Marine Title. Granting this application before the process is complete deprives us of that intended protection;
- 6.2.6 The Ngātiwai Trust Board is a Mandated Iwi Organisation under the Māori Fisheries Act 2004, and as such we hold and administer fisheries settlement assets on behalf of our iwi members. Those assets generate income that is essential to our operations. The Māori fisheries settlement was designed to both protect our continuing ability to exercise customary (non-commercial) fishing rights and to deliver an ongoing share in the benefits and development of commercial fisheries. This proposal would detrimentally affect both.<sup>5</sup>

## 7. CONCLUSION

- 7.1 This application should be rejected because the proposed seabed mining activity is fundamentally inconsistent with the tikanga, kaitiakitanga, and mana tuku iho of Ngātiwai and Patuharakeke. The irreversible harm it would cause to the mauri, tapu, and integrity of Te Ākau and the wider marine environment cannot be justified, remedied, or restored for future generations.

### Name

Aperahama Kerepeti-Edwards

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<sup>5</sup> These matters are addressed in more detail in the Statement of Evidence of Brandon Patuone Nehua.