

BEFORE THE FAST-TRACK EXPERT PANEL

IN THE MATTER

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

AND

IN THE MATTER

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

**STATEMENT OF CULTURAL EVIDENCE OF DAVID RICHARD BAKER MILNER FOR NGĀTIWAI TRUST
BOARD AND TE PATUHARAKEKE TE IWI TRUST BOARD**

26 MAY 2026

1. MIHIMIHI

E te atua, tēnā koe. E ngā ātua o te Taiao o Whangārei Terenga Parāoa me Te Ākau Bream Bay, e rangi, e papa, e tane, e tawhiri, e tumatauenga, e hine moana me tangaroa tēnā koutou kātoa. Nau mai haere mai ki te whakaronga me titiro te kōrero o te take o te wā

2. INTRODUCTION

Ko Manaia te Maunga

Ko Whangārei Terenga Parāoa te Moana

Ko Pukekauri te awa

Ko Rangiora te whare

Ko Takahiwai te Marae

Ko Patuharakeke te hapū me te mana whenua me te mana moana

Ko Te Pirihi te tangata

Ko David Richard Baker Milner toku ingoa

2.1 My name is David Richard Baker Milner. Set out below is my whakapapa going back some 19 generations back to Manaia II. This only depicts a snippet of my whakapapa that includes my connection to our natural physical environment such as our maunga, Manaia and Pukekauri, our whenua; Takahiwai, Poupouwhenua, Ruakākā, Rauiri, Waipu and Te Mata, and our takutai moana; Mangapai of Whangārei Terenga Parāoa (the Whangārei Harbour) to Te Paepae o Tū (Bream Tail). There are a further 17 generations of my whanau li ne that connects us back to pre waka migration to Manaia I.

- i. Manaia II
- ii. Rangi takotoroa
- iii. Whakaaturangi
- iv. Kauaua
- v. Kuramakoha
- vi. Te Rangihokaia
- vii. Te Aooterangi
- viii. Toke
- ix. Karawai
- X. Te Aoheiwā
- xi. Kamo

- xii. Te Taotahi
- xiii. Te Whakaariki
- xiv. Te Pirihi
- xv. Wiki Te Pirihi
- xvi. Maki Te Pirihi
- xvii. Henare Pirihi
- xviii. Crete Milner (nee Pirihi)
- xix. David Milner

- 2.2 This whakapapa goes back beyond the restrictions of the layers of colonisation and reflects the intergenerational association with Whangārei Terenga Parāoa and Te Ākau Bream Bay. The layers of colonisation such as multiple Crown legislative Acts including the Fast Track Approvals Act 2024 (FTAA), demonstrate multiple impacts causing incremental steps of alienation from our wāhi tapū, wāhi tūpuna, wāhi wairua sites and areas of significance and therefore of our taonga and culture in Te Ākau Bream Bay.
- 2.3 The whakapapa connections acknowledge the intrinsic connection we have to our whānaunga neighbouring hapū and iwi, whenua, wai and moana and all taonga within. As ahi kā we maintain a clear position that we hold the best interests of our taonga that rely on our whenua and moana.
- 2.4 The mātauranga (Māori knowledge, wisdom) and mohiotanga (understanding, comprehension) I have gained through knowledge passed down and learned knowledge is reflected in **Appendix 1** accompanying this submission. It provides examples of experience and roles I have that have resulted in me being asked to prepare this statement for Patuharakeke.
- 2.5 In this brief statement, I will explain Patuharakeke’s rangatira responsibilities and activities, our kaitiakitanga and connection to Te Ākau Bream Bay, summarise our involvement in the application to date, highlight the adverse impacts of the Proposal on Patuharakeke traditional and contemporary relationships and values as well as discussing the Applicant’s proposed conditions. I have read the statements of Mr Solomon and Mr Kerepeti-Edwards and support what they have said. I have also the read the statements by the independent experts Patuharakeke asked to assist with reviewing and understanding the application. I consider that those statements support the issues and adverse impacts I have raised in this statement from a western science perspective.

3. TIKANGA

- 3.1 In past experiences, cultural evidence and submissions have carried very little weight under the constraints of a colonial system in the context of western law. Māori as the indigenous people of Aotearoa have been forced to assimilate away from tikanga as law. In the past however, tikanga was the first law of our country, it forms part of the common law and continues to shape and regulate the lives of Māori. Tikanga is defined in s 2 of the RMA as “Māori customary values and practices”. This is not wrong, but it does not capture the full importance of tikanga. Tikanga literally means ‘the correct way’, and so in setting the correct way of doing things, tikanga is Māori customary law.
- 3.2 The nature of the application from McCallum Brothers Limited (MBL) will create an increased existential threat of our Patuharakeketanga for Te Ākau Bream Bay and the takutai, which holds us all to account. Therefore, we must understand the mana

of Tikanga in this application to recognise the magnitude of risk this has on our culture.

- 3.3 The Supreme Court case of *Ellis v R* [2022] NZSC 114 represented an elevation of tikanga in law – recognising tikanga as the original law of Aotearoa that constitutes a separate legal framework. The decision solidifies earlier indications from lower courts, such as *Ngāti Whātua Ōrākei Trust v Attorney-General* [2022] NZHC 843, which also recognised tikanga as an independent legal framework.
- 3.4 This context underscores the magnitude of adverse impacts that are contrary to tikanga. They are impacts that are contrary to the first law of Aotearoa that continues to have application today.
- 3.5 The most applicable Tikanga in relation to the MBL FTAA application are the customary protocols and practices hapū and iwi are guided by tūpuna kōrero tuku iho to uphold respect, decency, integrity and hauora for our environment and the rangatira affected by the activities proposed in this application.

4. MAURI

- 4.1 Every living and non-living thing has mauri. There is a wide range of academic literature on what mauri is, as well as mātauranga kōrero tuku iho, passed down intergenerationally. It can in simple terms be understood to mean the vital essence of life force of something. It is not a term restricted to individual people or species. It can also apply to an environment or area, like te moana. This application is primarily about the impacts on te Mana me te Mauri o Whangārei Terenga Parāoa and Te Ākau Bream Bay and taonga tuku iho within.
- 4.2 Our Hapū environmental management plan 2014 (HEMP) states our mission: To revitalise the mauri of our taonga tuku iho.
- 4.3 As one of our key principles in our HEMP, Mauri, is about: protection of the ‘life force’ contained in all places, species, minerals, ecosystems in our rohe. It can also be understood as a measure of the health and vitality of those elements.

5. CONNECTION WITH TE ĀKAU

- 5.1 As the principles and values section of our HEMP explains, our whakapapa is the foundation of our framework for managing resources. This demonstrates the relationships between the various elements of the world around us, including human beings.
- 5.2 I relate wholeheartedly to Te Awa Tupua, Whanganui Awa, recognised as a legal person with all the rights, powers, duties, and liabilities of a legal person. Ko au te awa ko te awa ko au – I am the river and the river is me. Again, this is not a new concept, but it has been recognised that a water body has been given this status in law as it has in tikanga.
- 5.3 Patuharakeke regard Whangārei Terenga Parāoa and Te Ākau as having the same whakapapa connections to us and whanaunga hapū and iwi as Te awa Tupua does

to the hapū iwi there.

- 5.4 The impact of the MBL proposal spans through 7 Generations of Patuharakeke whānau, from those born in the 1920s to those who will be born over the next 30 years. Decisions on consent terms impact on at least 7 generations. These long-term proposals remove the right for tamariki generations to participate in decision-making and to exercise kaitiakitanga; therefore, it is irresponsible for everyone participating in decision-making to support extended long-term lapse dates and resource consent terms in this way.
- 5.5 We have an unbroken connection to the whenua and moana of Te Ākau that goes back many centuries to our eponymous founding ancestors of the rohe and takiwa, such as Toi and Manaia. Ancient tribes such as Ngāti Manaia and Ngāi Tahu held the rohe and over time have been shaped by conquest, marriage alliances and the gifting of whenua and resources to take their contemporary form in hapū such as Patuharakeke.
- 5.6 Extensive evidence was prepared for the MACA High Court hearings in 2023 and 2024, which essentially collated mātauranga and kōrero gathered over many decades into two Traditional Reports for Patuharakeke and a range of affidavits and joint affidavits from Patuharakeke and Ngātiwai experts, tohunga, and kaumatua. These documents provide a comprehensive background to the connection of Patuharakeke to Te Ākau Bream Bay and they are provided in **Appendix 2 – Appendix 6** to this statement. Some key korero from those reports is set out below.
- 5.7 The whakapapa lines that establish Patuharakeke interests in Te Ākau Bream Bay are depicted in my introduction and also in charts attached at Appendices [A]-[E] of the Traditional Report of Patuharakeke for Stage 1(b) of the MACA High Court Hearings annexed to the Joint Affidavit of Juliane Chetham and Harry Maki-Midwood dated 2 February 2024 which is provided in **Appendix 2** to this statement.
- 5.8 Through whakapapa lineage and tuku whenua, Patuharakeke claim mana whenua and mana moana to the area from Poupouwhenua, down to Paepae-o-Tū and out to the Rohe Moutere (outer islands). We acknowledge that Te Parawhau has an interest connected with some historical use of the area, but its interests is not one based on ahikā and so according to tikanga is not as strong as ours. It is our tikanga that applies within Te Ākau Bream Bay, and therefore Patuharakeke that has the reciprocal obligation of looking after Te Ākau Bream in accordance with tikanga.
- 5.9 In the 1830's missionaries such as William Colenso and Henry Williams visited Whangārei and met Patuharakeke chiefs such as Motutara and Te Whakaariki and his son Te Pirihi Koukou. They visited Patuharakeke kainga at Te Whara Bream Head, Takahiwai, Mangawhati and Ruakākā (See **Appendix 3** Traditional Report stage 1 at para 38 and **Appendix 4** Armstrong Report para 60-62).
- 5.10 In the past, Ruakākā was a major stop-over area in Tai Tokerau. Most of the coastal traffic going either north or south would call in to Ruakākā to replenish their supplies. Here people could also rest up before going on to war. They would also meet and

train here, often for months in preparation for battle. With the Whangārei Harbour so close, Poupouwhenua and Ruakākā were widely known as a ‘mega market’ where tribes could converge to shop, trade or plunder for foods such as mango or shark, shark eggs, tohorā, whai, fish such as Tāmure and Kahawai. There was also an abundance of shellfish and land reserves such as hue, roi, kamokamo, kumara and taro (See **Appendix 2** Traditional Report stage 1(b) at para 26).

- 5.11 Patuharakeke have long-standing ancestral authority over Ruakākā and Waipū through to the Piroa–Brynderwyn Ranges, through chiefs like Motatau, Te Pirihi and Wiki Te Pirihi.
- 5.12 Numerous local landmarks (wāhi tūpuna/tūtohu whenua) such as Te Ana a Mata Waipu Caves, Te Paritu Pa and māhinga kai and mātaimai areas associated with the Waipu, Waitoitoi, Waionehu, Ahuroa, Pohuenui, and Pariwaka awa embody ancestral stories that continue to inform tikanga and tribal identity (see **Appendix 2 Wāhi Tūpuna** Table on page 18 of Traditional report stage 1(b)).
- 5.13 Patuharakeke have long exercised tikanga over Waipu and nearby islands; even after warfare drove people away and parts of the coast were made tapu, and land alienation occurred.
- 5.14 Our spiritual, physical, and genealogical ties to Waipū are grounded in generations of occupation and burial practices, reflecting deep connection to Papatūānuku (see **Appendix 2** section Wāhanga Tuarua: Rohe” of Trad report stage 1(b)).
- 5.15 The Wāhanga Tuatoru: Tikanga section of the Traditional Report for Stage 1(b) in **Appendix 2** sets out examples of tikanga in the rohe, focusing on kaitiakitanga, maramataka, mana rāhui, manaakitanga and the use of kōhatu, and how these traditions and practices have been maintained by Patuharakeke.
- 5.16 To summarise, in terms of kaitiakitanga; Patuharakeke have clear guardianship obligations. Tribal wellbeing depends on actively protecting and sustainably managing resources; overuse or malpractice (e.g. poaching, overfishing) leads to decline in the mauri and mana of the tribe. Tohu such as Kuaka (godwits) were significant for Patuharakeke, signalling spring and environmental health. Their reliance on protection of the health of foreshore, sandbanks, mangroves and wetlands shows that poor management practices can make this taonga species increasingly scarce. Mana rāhui enables Patuharakeke to exercise our authority to place rāhui across the rohe, historically and today. Rāhui have been used for resource management, historically and in contemporary times, to protect resources e.g. pā harakeke, after drownings or deaths, following events like whale strandings, and to replenish depleted kaimoana.
- 5.17 The Wāhanga Tuawhā section of the Traditional Report for Stage 1(b) (**Appendix 2**) sets out key mahinga mātaimai for Patuharakeke within Te Ākau Bream Bay, from Te Whara, Ruakākā and Uretiti, Pariwaka /Waipū Cove and Wairahi /Langs Beach locations as well as the offshore pukawa, toka, and motu (see **Appendix 2** where Maps 13, 14 and 15 at Appendix 4 of the Traditional Report for Stage 1(b) provide a

visual depiction of these locations). Mātauranga and kaitiakitanga values associated with these mātaimai have been passed down intergenerationally to today.

- 5.18 Spiritual, whakapapa and mātauranga connections to te taiao and te kahuitara (goddess of seabirds such as tara iti, kuaka, torea) underpin Patuharakeke relationships with these coastal mātaimai. These links are reinforced through pūrākau and naming practices (e.g. the ancestor te Kahuitara, eldest daughter of Wiki Te Pirihi), which heighten the significance of habitats for manu, ika and invertebrates.
- 5.19 Rocky coastlines at Te Whara Bream Head, Three Mile Reef and Pariwaka - Wairahi at Waipu were major mahinga mātaimai, providing abundant pāua, kina, tipa, koura, and finfish (e.g. haku, marari, kahawai, kumukumu, tāmure, tarakihi).
- 5.20 Te Ākau Bream Bay shoreline was an important source of pīngao for weaving (tukutuku, kites, nets) and for baskets/nets to catch small fish like ihe piper. Tuatua and pāpaka were once plentiful along the whole bay; today tuatua are mainly gathered near the surf club and Mair road bank, with timing of tides used to locate them. In the past whānau collected beach-cast scallops after easterly storms; pāpaka were harvested in bulk for events like tangi; surfcasting was popular for species such as kahawai, tāmure and araara trevally which remain a key food source. The surf coast is also central for recreation and cultural connection: while children learned to swim in calmer waters, surfing (reti ngaru) has become important, supported by a dedicated Patuharakeke tamariki surf initiative and use of specific, often closely guarded, surf breaks.
- 5.21 The Taranga and Marotiri (Hen and Chickens) islands are key wāhi tūpuna, linked through whakapapa to māui, his mother taranga, and his brothers; and along with Ngātiwai, Patuharakeke see ourselves as their kaitiaki. Historically, Patuharakeke men regularly fished these islands, bringing back boatloads of hapuku, pāua and other kai for the whole kāinga; manu oi were also heavily harvested and preserved from several nearby islands. Whānau have long dived and fished there for customary, recreational and some commercial purposes. Since their designation as nature reserves, access is restricted, but we work closely with DOC, helping manage taonga species, wāhi tapu and historic cultivation sites, and using visits to uphold tikanga (e.g. karakia, respecting urupā and koiwi). Current Pou Taiao contracts with DOC for track and weed work are used to strengthen connections, with a long term goal of resuming full management control of these islands [see **Appendix 2** page 43-44 of the Traditional Report for Stage 1(b)].
- 5.22 The joint kaumatua affidavit prepared by 7 Ngātiwai and Patuharakeke kaumatua for the MACA Stage 1(b) Hearings provides greater detail of the traditional and contemporary relationships of our people to these islands and surrounding waters (see **Appendix 5** 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 4 February 2024]).
- 5.23 The Attorney-General clearly found our evidence compelling during our MACA Act

hearing, because at the end of our MACA Act her submission to the Court was that Patuharakeke had fairly good evidence that we held Te Ākau Bream Bay according to tikanga, with Ngātiwai holding the outer bay area. These submissions are attached to the submissions of counsel for Patuharakeke and Ngātiwai included with our comments on this McBros application.

6. UNBROKEN CONNECTION

6.1 As time has passed, and through to this day, we have been steadfast in maintaining our ahikātanga and tikanga and upholding our kaitiaki responsibilities.

6.2 Patuharakeke have consistently advocated for our role as mana moana and kaitiaki through a number of formal proceedings including but not limited to:

- a. The Wai 1040 Te Paparahi o Te Raki (Northland) Inquiry;
- b. The Wai 745 application for urgency in relation to the sale of Mighty River Power lands; and
- c. The Wai 2490 Ngāpuhi Mandate Inquiry.

6.3 On 3 April 2017, the Trust Board filed two applications in the High Court pursuant to the MACA Act for:

- a. A recognition order for customary marine title (“CMT”); and
- b. A recognition order for protected customary rights (“PCR”)

6.4 Patuharakeke took a cautious approach with the High Court applications given there was no clear guidance from the courts at that time on how the law would be applied. The application for CMT was only over a specific area directly in front of Takahiwai and the application for PCR applied to Te Ākau Bream Bay. However, in the years following, the law around establishing CMT under MACA Act became clearer. As a result, in preparation for the Whangārei Stage 1(a) and 1(b) hearings in 2024, Patuharakeke applied to amend their PCR area to CMT to better reflect this approach. The comments from the Attorney-General I have already referred to therefore related to establishing CMT and holding an area in accordance with tikanga for CMT purposes.

6.5 The hearings took place in 2023 and 2024. We were awaiting a decision and then the law changed in October 2025. As a result, there needs to be a rehearing related to the new CMT test. This rehearing has recently been set down for April 2027. This has been immensely frustrating for us. We engaged in the long, costly, and difficult process right up until effective completion to then have all of that work unwound. In the meantime, McBros have come in with this application which, if granted, would significantly undermine our aspirations and intentions for recognition and implementation of our customary rights. Allowing that to happen is not acting in good faith.

6.6 We applied for recognition under the MACA Act because it was (and still is) an important current legislative tool available to assist us to exercise our rangatiratanga in Te Ākau Bream Bay, held for generations. But for the 2025 change to the law we firmly

believe we would have met the criteria for recognition under MACA Act which would have meant this application could not have been lodged under the fast-track legislation. Where the Attorney-General reached in her final submissions on our application supports that belief.

- 6.7 Notwithstanding the MACA Act application and legislative changes, we assert that Patuharakeke never sold or relinquished our rangatiratanga over the takutai moana and our sites and areas of significance. The Te Rōpū Tai Timu Tai Pari report [<https://www.tearawhiti.govt.nz/assets/MACA-docs/Resource-Management/Advice-of-Te-Ropu-Tai-Timu-Tai-Pari-to-Te-Arawhiti.pdf>] reiterates Patuharakeke's position (one that is universal across hapū and iwi of the motu), namely: "Māori currently hold rights and interests in the takutai moana whether or not those have been recognised legally under the te Takutai Moana Act. In our view, to give effect to Te Tiriti/Treaty principles requires decision-makers to recognise rights and interests that exist, whether or not they have been proven under the Act."
- 6.8 Evidence presented by Juliane Chetham at the MACA Act hearings provides a comprehensive background to Patuharakeke's contemporary relationships values and practices in relation to Te Ākau Bream Bay as they have been retained and/or changed over time but have been continuous. Her evidence covered; cumulative pressures on Te Ākau Bream Bay, Patuharakeke Engagement in RMA Policy and Planning processes related to Bream Bay, our relationship with DOC, and Te Pou Taiao operations; research and projects relevant to Te Ākau (see **Appendix 6** to this statement). This included providing an overview of our gazetted Rohe Moana, the associated committee and mahi over the last two decades including monitoring, ongoing rāhui/fisheries closures to protect taonga species and the use of customary management tools available to us under fisheries legislation. Further to this we have consistently submitted on fisheries proposals such as changes to quota and also supported sustainability measures instigated by MPI in our rohe including the current s11 closure to the take of scallops.
- 6.9 Her evidence listed relevant cultural impact assessments undertaken; hearings and court proceedings/ actions Patuharakeke have been involved in or instigated, joint projects with DOC to protect reserves, sand dunes and taonga species; state of the environment monitoring and research alongside Council and other partners. Key research projects include annual pipi surveys and marine biosecurity monitoring, systematic marine mammal surveys in Te Ākau and more recently, a spat collection project to help us understand the state of scallops/tipa and to aid us in our restoration objectives including monitoring a spat collector in the proposed sand mining area.
- 6.10 Our harbour and estuary waters once teemed with kaimoana and other resources. However, post colonisation, more than a century of poor environmental management practices has seen an immense decline in marine species as a result of degraded water quality, habitat loss and harvest pressure. The decline of kaimoana and other taonga species and their habitats can be accompanied by a corresponding decline in traditional knowledge/mātauranga in regard to those species, their uses and relevant management practices. This can impact on the duty of tangata whenua as kaitiaki and

displace an important role and function for our tamariki and mokopuna. It can have corresponding flow on impacts to our mana inter-generationally and other values and tikanga such as manaakitanga.

- 6.11 However, as I have said, as ahi kā and kaitiaki, Patuharakeke has remained steadfast in maintaining and enhancing our connections and tikanga associated with our rohe and rohe moana both through continuation of traditional customary practices in accordance with tikanga through multiple means. We retain a leading role in managing, monitoring and enhancing the mauri of our rohe and are continuing to build capacity and capability across the spectrum of mahi taiao with the desire to protect cultural values and practices such as mauri, tikanga, rāhui and wāhi tapu that are central to our identity, sense of place and cultural well-being. Our mission to revitalise the mauri of our taonga tuku iho - ki uta ki tai (from mountains to sea) to provide for our physical, social, economic and cultural wellbeing for generations to come.

7. INVOLVEMENT IN APPLICATION TO DATE

- 7.1 MBL approached us on the 1st March 2024. Regular telephone/online meetings were held with the MBL team throughout the entire period from this date through to Dec 2026. Over that time period, other activities included site visits, one William Fraser voyage, receiving iterations of technical reports, providing initial comments and queries on some reports, receiving initial comments from our subject matter experts (SME), to assist with the development of the Cultural Impact Assessment (CIA).
- 7.2 We delivered a comprehensive cultural induction on the 4th May 2024 as the first meaningful engagement with MBL to provide a glimpse of Patuharakeke and what the environmental and cultural landscape and seascape mean to Patuharakeke from a cultural and kaitiaki perspective.
- 7.3 The CIA was prepared by James Whetu of Whetu Consulting Ltd. A literature review was undertaken, and our assessment process was supported and informed by SME who attended targeted workshops and hui-a-hapū to develop the CIA. The two hui-a-hapū served to populate and test the values and impacts to be identified, and whether mitigation was possible, and to ratify the position adopted by Patuharakeke.
- 7.4 Hui-a-hapū mo te whānau me whanaunga was held at the Takahiwai Marae on the 25th May 2025, facilitated by Whetu Consulting Group. This focused on the difference between the expected RMA process and the new Fast Track Act process. Our subject matter experts shared their initial findings, and Whetu Consulting facilitated drawing out the participants' cultural values, issues, and views regarding the proposed sand mining.
- 7.5 MBL attended a hui-a-hapū at Takahiwai Marae on the 8th of November 2025. This was in two parts. Whetu Consulting Group provided their initial set of issues for whānau me whanaunga to review and add to, then MBL shared their view of the benefits of sand mining to whānau me whanaunga through interactive workstations, followed by a MBL presentation.

- 7.6 Furthermore, focused workshops, including members of Te Pou Taiao staff, whānau, and kaumatua, were held to inform hui-ā-hapū and the CIA.
- 7.7 During the technical assessment period, to be able to provide a robust and comprehensive CIA, all assessment information must be provided. MBL provided some SME scoping documents, draft assessments for initial feedback to ensure their SME's were considering Patuharakeke cultural values and principles (as discussed at the cultural induction). Further iterations were required, and this process was iterative throughout the entire timeframe, which continued to push the CIA timeline out with each iteration. We were very clear that we didn't want their timeframe to "bottleneck" the time we needed to complete our process. Unfortunately, the timeframe was cut short due to MBL's decision to submit their application in Dec 2025 (pushed out to the 26th January 2026). This forced us to send our draft CIA to accompany the application before we could complete our process.
- 7.8 Regular reporting to our Trust Board kept our governance informed throughout the process of the multiple shifting timelines, causing delays in delivering the CIA. Discussions with MBL included the opportunity to meet directly with our board as a key part of our CIA process, once a draft was completed. However, due to MBL lodging their application before we could complete our assessment process, this change in timeframe did not support our preferred process to go through outstanding issues with MBL.
- 7.9 That created discomfort in our board's engagement with MBL, left questions unanswered, and led the board to advise letting the Fast Track process run its course.
- 7.10 In regard to community engagement, Patuharakeke developed relationships with the Bream Bay Guardians Society (BBG), Endangered Species Foundation (ESF), Bream Bay Coastal Care Trust (BBCCT), and local fishing and campgrounds, and we tautoko their concerns with this application. We have also worked with Te Kauika o Patuharakeke Waka Ama who are related to the Trust. As we agreed to respect confidentiality with MBL, no information was shared to any external organisations, which also included our own uri until they were made publicly available.
- 7.11 BBG carried out two demonstrations at the Ruakākā Surf Club with the support of the ESF. Patuharakeke supports our community to have a voice in this application. We carried out our rangatira tikanga role as ahikā by facilitating a mihi whakatau to welcome waewae tapu manuhiri, neighbouring hapū, iwi and hapori whānui before each event started and to clear the way for the events from a tikanga perspective.
- 7.12 Community petitions were delivered to Parliament by ESF and BBG, and media and social media campaigns were spread far and wide. Their engagement with councils and councillors was a key part of their strong opposition to the proposed application.
- 7.13 Patuharakeke uri were a part of the organising group, and many Patuharakeke uri and other hapū whanaunga attended these events. The Trust Board maintained an arms-length position to manage MBL's expectations and perceptions of BBG and other groups

regarding the application, and to ensure our position and process were clear; however, we were mindful that this excluded our community.

- 7.14 BBG and ESF were deeply concerned about not being included to voice community concerns. During our regular meetings with MBL, we were very transparent about our connections with these organisations and encouraged MBL to engage with them. Once the application became publicly available, BBG and ESF were able to gain a better understanding of the assessments and form their opinion on the application's issues. We support BBG and other like-minded community and hapū groups in their opposition to the MBL application.

8. ADVERSE IMPACTS

- 8.1 Examples of why we consider this application will have significant adverse cultural impacts include impacts on tohora and terehu (whales and dolphins); hururoa (horse mussel); multiple ika and kaimoana species, with tipa (scallop) being a key illustration, and the consequential impacts these have on Patuharakeke tangata. It also adversely impacts our tino rangatiratanga and ability to exercise kaitiakitanga.
- 8.2 My statement provides additional explanation for why we consider the application to have these adverse cultural impacts of such significance that it requires the application to be declined.
- 8.3 A reflection used regularly by one of our kaumatua says;

E tu ana ahau,

Hei mangai mō taku nei whāmere,

Kāroro inutai,

Ko Patuharakeke tēnā.

I am standing,

As a spokesman for the generations of people who have lived off the sea,

My people of Patuharakeke.

- 8.4 The reference to whāmere is about the generations of ahikā. It's another term for whānau but focuses on the local and ahikā perspective.
- 8.5 The reference to the Kāroro (Seagull) relates to feeding off the inutai / moana, which is a metaphor for the Patuharakeke people who have lived off the sea for generations.
- 8.6 Patuharakeke is living on the shores of te Wahapū o Whangārei Terenga Parāoa and Te Ākau Bream Bay, and we carry out our rangatira and kaitiaki mahi across the coastline, from Poupouwhenua to Te Paepae o Tū and in the moana out to Marotiri (Hen and Chicken Islands) via Te Ākau Bream Bay. As hau kainga, ahikā mana moana, we are local,

available, and positioned to respond to situations in our rohe that we must respond to for cultural and hapori whānui purposes, such as responding to search and rescue responses, marine mammal strandings, civil defence, powhiri whakatau of waewae tapu manuhiri, undertaking western science and mātauranga Māori research, and setting down rāhui to name a few.

- 8.7 Patuharakeke represent the rights and interests of our taonga tuku iho in Te Ākau Bream Bay. Our taonga are unable to voice their concerns regarding the cumulative human impacts. Therefore, our kaitiaki role on behalf of our tuakana taonga is paramount to ensuring our whanaunga hapū, iwi and hapori whānui are able to support their marae and homes with kai and sustenance in a sustainable way, and to provide a measure of relief from the rising cost of living.
- 8.8 As kaitiaki connected by whakapapa to our taonga species we have grave concerns for the mauri, health and wellbeing of taonga species that inhabit and utilise Te Ākau Bream Bay. These concerns arise because based on our mātauranga this application will represent a significant shift in the habitat those species rely on, and many of them are resident to the Bay. This concern seems to us to be supported by the views of the western science experts we engaged to help us understand the impacts of the application. As pointed out previously, decades of cumulative effects are impacting on our taonga species and their habitat and as kaitiaki, Patuharakeke are working hard to restore and revitalise the mauri of Te Akau Bream Bay and its resident species. This application represents another significant cumulative effect that undermines this recovery.

RANGATIRATANGA

- 8.9 To understand our rangatiratanga responsibilities to Te Ākau Bream Bay, we cannot separate Whangārei Terenga Parāoa, Ruakākā, Wakatarariki, Pariwaka Waipu Cove, Wairahi Langs Beach and Te Paepae o Tū Bream Tail.
- 8.10 Following the footsteps of our tūpuna, Patuharakeke take our rangatiratanga responsibility very seriously. The relationships forged by our tūpuna with our taonga tuku iho, and with organisations and groups, continue today, grounded in cultural values and shared like-minded principles, and applied accordingly to the industry partner and their activities in our rohe.
- 8.11 Whakahononga relationships with key infrastructure partners in our rohe are critical for intergenerational sustainable development of the environment in our rohe. Meaningful whakahononga with partners, anchoring projects and activities that establish pathways to achieve our strategic pou goals, builds long-term relationships. These are formalised to ensure longevity because CEO's, executives, and operational staff come and go; however, Patuharakeke and our responsibility is intergenerational. These whakahononga relationships create opportunities to establish high-level governance and management relationships, supported by shared operational outcomes. These are achieved through mutual understanding of our environment role in our rohe for our taonga tuku iho, our people, and our community.

8.12 Our rangatiratanga responsibilities for our moana and takutai include:

- a) Having a good governance structure supported by our kahui kaumatua and hapū structure,
- b) Implementing and reviewing our Strategic Plan,
- c) Gazetting our Rohe Moana and kaitiaki, including the mana to authorise of customary permits,
- d) Drafting a Hapū Environmental Management Plan and Rohe Moana Management Plan,
- e) Representation on the Whangārei Te Rerenga Parāoa Rohe Moana Committee,
- f) Applying for a Mātaitai application for our rohe moana,
- g) Developing a Mātaitai Recovery Plan,
- h) Imposing a voluntary prohibition on providing customary fishing permits due to the decline in shellfish stocks,
- i) Adopting the 2010 Patuharakeke Whale Stranding Guidelines (under review),
- j) Te Whakahononga and Mana Whakahono-ā-rohe relationships and agreements with key industries, research organisations and decision-making partners,
- k) Tere Tohorā, Karanga Tāngata marine mammal research, including the publication – “Tere Tohorā, Karanga Tāngata: Weaving Māori Knowledge With Conventional Science to Characterise a Biodiversity Hotspot for Marine Megafauna in an Area Facing Multiple Anthropogenic Impacts”.¹
- l) Recognised wāhi tupuna Tahuna Tohorā area at Uretiti for customary hauhake of stranded marine mammals that pass away,
- m) Development of tikanga etiquette for the capture of haku kingfish for Earth Sciences NZ (formerly NIWA), Northland Aquaculture Centre (NAC) research and development and for the transfer of haku and hapuku from the NAC to Kelly Tarltons in Tāmaki,
- n) Engaging and providing a tikanga framework for PhD research for identifying the haku genome specifically for Te Ākau, and naming the genome “Haku Raukura” and holding intellectual property/mātauranga kaitiaki rights for access to the information on the Aotearoa Genomic Data Repository. Refer to “The complete

1

https://www.researchgate.net/publication/398719916_Tere_Tohora_Karanga_Tangata_Weaving_Maori_Knowledge_With_Conventional_Science_to_Characterise_a_Biodiversity_Hotspot_for_Marine_Megafauna_in_an_Area_Facing_Multiple_Anthropogenic_Impacts

chromosome-level genome and mitogenome assembly of *Seriola lalandi lalandi* (Yellowtail Kingfish) for aquaculture and fisheries management”.²

- o) Working with and supporting our whanaunga hapū, iwi, and hāpori whānui community wherever possible.
- 8.13 Rangatiratanga is also adaptive according to the take (issue). Therefore, we endeavour to maximise the western tools available to us in legislation, policies, district and regional planning and regulations, science and research to elevate our rangatiratanga responsibilities all under our kawa and tikanga; however, these western tools constrain our rangatiratanga role and responsibilities so we are very selective to maximising our approach for influencing change.
- 8.14 Patuharakeke have maintained a role in many activities that pose threats to the environment, cultural landscape, values, and taonga that undermine our rangatira role. Although the rangatiratanga responsibilities above only pertain to the Te Ākau Bream Bay there are more associated with similar activities on our whenua and throughout our awa. In regard to this MBL proposed application, it undermines our rangatiratanga, kaitiakitanga and our customary authority and decision-making. It does this through the space and resource it utilises which prevents us from exercising our rangatiratanga and kaitiakitanga to manage and look after the Bay and its taonga species according to our tikanga. This adversely impacts our connection with the Bay and also our mana and well-being due to inability to meet our obligations as kaitiaki and due to our tikanga being set aside. That is why we stand strong and represent our taonga tuku iho in processes such as this Fast Track Authority Act.
- RANGATIRATANGA O NGĀ TAONGA TUKU IHO***
- 8.15 This application will have significant adverse impacts on the cultural values of Te Ākau and also on our whakapapa relationship with Te Ākau and the whakapapa connection we have with the taonga that live there. Whangārei Terenga Parāoa, Te Ākau Bream Bay and the takutai environment. All taonga tuku iho within these ecosystems hold their own rangatira status that makes up the biodiversity of the moana and takutai such as Manu (birds), Flora such as Pingao, underwater flora such as seaweed, marine mammals such as Parāoa (Sperm Whales) and Aihe (Dolphins), Brydes whales, kai moana such as Kokotā (pipi), tuangi (cockles), kutai (mussels) tipa (scallops), Kōura (crayfish), the benthic ecology, and their kainga or habitat also have a significant role to uphold in their part of the taiao.
- 8.16 The cumulative impacts on these rangatira in their own parts of the taiao from reclamation, ship anchoring, commercial fishing, and the proposed dredging activities, and therefore the loss of life, kainga, and their world, are not appropriate from the rangatiratanga, kaitiakitanga and mauri perspectives.

² <https://www.authorea.com/doi/full/10.22541/au.177524345.58000814/v1>

MĀTAITAI RESERVE APPLICATION

- 8.17 Patuharakeke have been in discussions regarding applying for a Mātaitai application over the last four years. Support has been received from the Mid North East Coast iwi/hapū Fisheries Forum, the Whangārei Te Rerenga Parāoa Rohe Moana committee. We have facilitated two hui with the fishing industry, science and research partners as part of our proactive preliminary engagement.
- 8.18 We have undertaken a comprehensive assessment of the customary management tools available under the Kaimoana Customary Fishing Regulations and the Fisheries Act 1996. Through this process, the establishment of a Mātaitai Reserve has been identified as the most appropriate mechanism to achieve our management objectives. These objectives include the protection, preservation, and sustainable management of our customary fisheries resources, while upholding local knowledge, tikanga, and the intergenerational relationship between Patuharakeke and our moana. The application is supported by extensive traditional, historical, cultural, and environmental evidence, including the longstanding relationship of Patuharakeke with the proposed area, the historical and contemporary use of its fisheries resources, and the need to ensure these taonga remain available for future generations.
- 8.19 We have finally submitted our application 22 May 2026, and will wait for advice from Fisheries NZ, Ministry of Primary Industries. We see this action as a contemporary expression of rangatiratanga. It complements the existing rohe moana which we also control and manage. The rohe moana tool was provided as part of the Fisheries Settlement process as a western tool to recognise customary authority and use over a particular area. That tool has no purpose if customary fishing cannot occur or is significantly adversely impacted because tangata cannot access the Bay or because her taonga species are harmed.
- 8.20 Overall, we consider that the application will have the following adverse cultural impacts on Rangatiratanga / Mana Moana:
- a) Undermining the customary authority of Patuharakeke in Te Ākau Bream Bay
 - b) Disregard of Patuharakeke customary rights, interests and practices in Te Ākau Bream Bay
 - c) Minimal consideration of Patuharakeke values, interests and mātauranga in:
 - Locating the proposed fast-track activity in Te Ākau Bream Bay, and
 - In preparing technical reports to inform the design and delivery of the project
 - d) Disregard to the values and wellbeing of Te Ākau Bream Bay Community.
- 8.21 When external organisations usurp our rangatiratanga role and responsibilities as mentioned above, they undermine our rangatiratanga role as explained in our CIA.

- 8.22 In this case, as well as pursuing a project that has these effects MBL has then unilaterally put an economic figure on Patuharakeke's rangatiratanga and its cultural loss, and this in itself represents a further affront on Patuharakeke's rangatiratanga.

KAITIAKITANGA

- 8.23 To understand our kaitiakitanga connection to Te Ākau Bream Bay, one must understand that we Patuharakeke cannot separate Whangārei Terenga Parāoa, Pariwaka Waipū, Langs, Wakatarariki, Wairahi and Te Paepae o Tū as these are key parts that interlink to Te Ākau as a whole body or being.
- 8.24 Our kaitiaki responsibilities are the embodiment of our rangatiratanga and tikanga. For our moana and takutai we express kaitiakitanga in the following ways:
- a) Engaging in significant resource consent processes (eg. Channel Infrastructure proposed capital dredging and reconsenting; Northport Expansion) through CIA processes, submissions, hearing and environment court proceedings,
 - b) Engaging in national and regional policy making through submission and environment court proceedings (eg. Northland Regional Plan, Fisheries sustainability measures etc),
 - c) Drafting and implementing our “Climate Change Waka” (Environmental Management Plan Chapter) and Climate Change Adaptation and Resilience Plan for Patuharakeke,
 - d) Participating in the Mid North East Coast iwi/hapū Fisheries Forum
 - e) Tikanga guided customary transferring of scallop from abundant scallop beds to beds that were overfished during the scallop season within Whangārei Terenga Parāoa,
 - f) Working with science and research organisations to apply western science alongside mātauranga Māori knowledge to inform future-focused solutions for revitalising our kaimoana taonga tuku iho,
 - g) Utilising western tools such as s186a temporary closures to allow rāhui to be applied at Poupouwhenua Kokotā pipi beds,
 - h) Initiating a customary rāhui to the support 186A closures through tikanga process and erecting pou rāhui to indicate where the boundaries are for the rāhui area at Poupouweuna,
 - i) Undertaking PFAS monitoring, discharge monitoring, sediment sampling, and Kokotā surveying, for measuring any impacts Channel Infrastructure may have on Whangārei Terenga Parāoa and Te Ākau Bream Bay,
 - j) Water sampling of Marsden Maritime Holdings at their discharge points into Whangārei Terenga Parāoa,

- k) Regional and National leadership in Marine Biosecurity research and management (through the 5-year Marine Biosecurity Toolbox programme in partnership with Cawthron and multiple agencies, and the current 5-year Effective Eradication Programme), as well as using applied science methods to methodically remove Mediterranean fanworm (*Sabella spallanzanii*) from the Takahiwai mātaimai area,
- l) Investigating Spat Collection Nursery grow out,
- m) Spat collection trials in partnership with NRC and ORA (including in the proposed application area),
- n) Investigating scallop potting as an alternative sustainable harvesting method,
- o) Pipi/Kokotā Translocation & Survivability Research,
- p) Kūtai, Pāua and Kōura “Baseline” Population Surveys,
- q) Kokotā Website: tool roll out and implementation of Rohe Moana Management Plan in a digital app,³
- r) Development of “The Stream” digital cultural monitoring app (see **Appendix 7**),
- s) Carrying out leadership and support for customary hauhake of marine mammals that have stranded and passed away,
- t) Developed our Tohorā Tuku and Tono guidelines and application forms for the distribution of kotohorā,
- u) Working with and supporting our whanaunga hapū, iwi, and hāpori whānui community wherever possible (eg. dune monitoring and restoration alongside NRC and Bream Bay Coastal Care Trust, Tara iti/fairy tern habitat construction at Waipu and project spinifex a beach and dune public education project alongside DOC).

8.25 As this list demonstrates we have been continuous and active in our work to look after the mana and mauri of the Bay and its taonga. We cannot do this if a significant part of the Bay is no longer subject to our authority and is being subject to ongoing harm. Much of our work has been to support taonga species to enable them to thrive because of our responsibility to do so through whakapapa but also, in respect of fish species for sustainable recreational and customary take. An application like this which will harm those species, many of which are already subject to significant pressures in their wider habitat and rely on Te Ākau Bream Bay, will undermine our work as kaitiaki to date, and inhibit us from continuing to meet those obligations going forward. When external organisations usurp our kaitiakitanga role and responsibilities as mentioned above, they undermine our rangatiratanga role.

³ <https://kokota.nz/>

HAUHAKE TOHORĀ

- 8.26 The following describes tikanga, rangatiratanga and kaitiaki practices including the revitalisation of hauhake tohorā traditional customary practices. Marine mammal stranding has occurred along the entire Te Ākau coastline, and it is a stranding “hotspot”, particularly for Pilot Whales.
- 8.27 While there are whale burial sites known to us at different locations along the coastline (and some go back generations), these mass strandings necessitated setting aside dedicated wāhi tapu for tohora and other whales and dolphins – such as the tahuna tohorā at Uretiti.
- 8.28 This wāhi tapu was dedicated during a dawn karakia ceremony carried out by Patuharakeke and Ngatiwai kaumautua involving the unveiling of a kohatu with inscriptions from Ngatiwai which reads; *“Te Tahuna Tohora, He rāhui o kōtohora, I tanu ai. Dedicated area for the burial of stranded whales. Ko Patuharakeke te mana whenua, ko Ngatiwai i tautoko”*.
- 8.29 Once exhuming the kotohorā we have a process for whānau tono (request) and a process to tuku (gifting/sharing) resources by the tuakana Tohorā and transforms them into taonga and carries on a new journey. This new journey is in the form of customary practices and use of hinu (oil), kotohorā (whale bone) pendants, niho (teeth) and many other resources that are gifted by the taonga that has passed.
- 8.30 An example of our rangatiratanga and kaitiakitanga is reflected through tangible and intangible practices in events, such as marine mammal strandings on our takutai. Tangible rangatiratanga leadership and decision-making is carried out with the Department of Conservation, Project Jonah and our community during the alert and refloating stages of stranding events. If there is the unfortunate event of a tuakana taonga (in this case, marine mammals) that passes away, we carry out our karakia and wairuatanga responsibilities and then proceed to move the taonga that has passed to Tahuna Tohorā for hauhake cleansing (processing of customary practices of marine mammals that have passed away).
- 8.31 In May 2017 a bachelor Parāoa (Sperm Whale) named Tahuu Potiki (an eponymous tupuna see **Appendix 7**) stranded and passed away on Mair Bank where te Wahapū o Terenga Parāoa (the mouth of the Whangārei Harbour) and Te Ākau meet. Terenga Parāoa culturally known as the meeting place of the Whales and the meeting place of the chiefs, provides an expression of both analogies and the connection between the harbour rangatira Parāoa and hapū iwi rangatira.
- 8.32 This was a tohu as it occurred during the Refining NZ capital dredging resource consent application process. Tohunga and rangatira discussed the tikanga of tohu from this event of which one was kotahitanga (together as one). This sad event was also a gift of insight of the tohu and using the tikanga practice of hauhake to give respect to the Parāoa to offer a new journey in the form of wānanga learning for those involved in the hauhake process, and having the opportunity to utilise the resources or taonga for tikanga under customary practices.

- 8.33 Although these stranding events occur, we do our best to avoid these tuakana from passing away. If the application is approved, there is a greater disturbance to and stress to marine mammals, as explained by Dr Brough in his statement.
- 8.34 The collection of a rangatira taonga tuku iho, Tipa scallops, is an important cultural harvesting practice that supports our people and hapori whānui to feed their whānau. Beach-cast scallops following certain weather events are also a key part of this responsibility.
- 8.35 Seabed mining will adversely affect this by removing or harming scallops and inhibiting the recovery of this resource. In doing so also adversely impacting our mana moana, tikanga, rangatiratanga, kaitiakitanga and mauri.
- 8.36 Scallops in Te Ākau are currently subject to a fisheries closure. We engaged with Fisheries NZ on this closure in our role as tangata kaitiaki under our gazetted rohe moana. In this role we submitted in support of the closure which we see as an expression of mana moana reflecting our kaitiaki obligations and contemporary use of tikanga rāhui. Currently our customary and recreational fishing practices, along with all commercial fishers, are respecting this closure to enable the moana to rejuvenate. Enabling this activity would be contrary to closure and relegates customary and other fishers to the benefit of a private company, while undermining the regeneration occurring now.
- 8.37 We are currently undertaking baseline studies of scallop spat to understand the connection of spat dispersal between Te Ākau Bream Bay and Whangārei Terenga Parāoa, to enhance stocks in key customary areas as a key part of our Mātaitai Recovery Plan for our rohe moana. As mentioned previously in this evidence, we currently have a spat collector where the proposed sandmining area is⁴.

AIHE

- 8.38 In August 2023, there was another pourī (sad) event of 6 Aihe (Dolphins) stranding and passing away during the process of the Northport resource consent application. This was another significant event that provided tohu and wairua experiences as key components of tikanga and customary practices. Events like these will be referred to as coincidences however, spiritually and culturally these are signs or omens requiring attention during discussions like what we are doing here. See **Appendix 7**.
- 8.39 Patuharakeke have developed a strong relationship based on the Waka Hourua model, which brings Western Science and Mātauranga Māori knowledge together to better understand the causes of such events. A simple example of this is shifting the science system from having a serial number identifying the taonga Aihe to also applying the name given by Patuharakeke during the tangihanga process of the Aihe and recording that alongside their scientific records, articles, journals and communications

⁴ at GPS Coordinates 35°55.038'S - 174°31.502'E

acknowledging Patuharakeke's role in co-management of research and outputs for equitable outcomes from a scientific perspective and Māori cultural perspective.

- 8.40 The Patuharakeke Te Pou Taiao unit has a Pou Moana (marine researcher). She is currently undertaking a Master's degree focused on the resident Aihe in Te Ākau Bream Bay. This is a follow on from the most comprehensive marine mammal research Tere Tohorā, Karanga Tāngata with Far Out Research and other marine scientists in partnership with Patuharakeke, proving how much activity there actually is of marine mammals in Te Ākau Bream Bay and Whangārei Terenga Parāoa, and the increased risks of mamae and potentially death to these taonga. Due to this and further research, it increases our concern about the risk of the impacts the MBL proposed activity can have on these taonga.

KŌURA

- 8.41 Kōura Crayfish and Pawharu Pack Horse species are taonga tuku iho that rely on the coastal environment for kohanga nursery habitat in the shallows, adult kainga in the off shore rocky kainga to migratory pathways in Te Ākau Bream Bay as they go on the "march" similar to the tuna heke (eel migration). Interruption of the life cycle impacts on their rangatiratanga role in the moana. Kaitiaki activities to support nursery stocks is a key part of the Patuharakeke Mātaitai Recovery Plan. Initial findings of Pawharu from BBG in the proposed sand-mining area prioritise are another concern in relation to the proposal and emphasise the need for our Mātaitai Recovery Plan for Kōura.

HAKU

- 8.42 As mentioned above, Patuharakeke developed a tikanga etiquette for the transfer of Haku (Kingfish) from Te Ākau to the Northland Aquaculture Centre in Ruakākā. This was done in partnership with Te Kuwaha, (NIWA's National Centre for Māori Environmental Research. NIWA is now Earth Sciences NZ).
- 8.43 Provenance and whakapapa of the Haku was significant for Patuharakeke. By developing this tikanga etiquette, a new culturally appropriate process is now in place. This process was expanded to apply to the transfer of their mother broodstock going to retire at Sealife Kelly Tarlton's in Tamaki Mākaurau. This included the handing over of our taonga from Te Ākau Bream Bay to Ngāti Whatua o Orakei iwi as the new kaitiaki of our taonga Haku. The Haku Aotearoa NZ Kingfish and NIWA Research Centre website has been designed including Patuharakeke acknowledgement kōrero as follows;⁵

Our provenance: Where land meets sea - Te tai pari ki uta

Our site is located alongside the dunes in Ruakākā within the rohe of Patuharakeke hapū, ahi kā of this area on the Bream Bay coast of Northland, New Zealand. The rohe of Patuharakeke continues along the coastline south of the Whangārei harbour, from Mangapai river mouth to the Mangawhai Heads and from the bountiful moana and islands, heading

⁵ <https://www.haku.nz/our-story/>

inland through to the serene hills of the Tangihua, Piroa (Brynderwyn) and Kukunui Ranges.

Through our relationship with Patuharakeke, we continue to work together on ways to reflect the values of mana whenua in terms of kaitiakitanga, manaakitanga and mātauranga in our operation, with a focus on environmental welfare, management and enduring sustainability as well as economic growth.

Mahi tika mahi pai - Doing it well, doing it right.

- 8.44 Engaging and providing a tikanga framework for PhD research for identifying the haku genome specifically for Te Ākau, and naming the genome “Haku Raukura” and holding intellectual property/mātauranga kaitiaki rights for access to the information on the Aotearoa Genomic Data Repository. Refer to “The complete chromosome-level genome and mitogenome assembly of *Seriola lalandi lalandi* (Yellowtail Kingfish) for aquaculture and fisheries management”.⁶

MAITAITAI RECOVERY PLAN

- 8.45 Sustainable management for our taonga tuku iho in Te Ākau is paramount. Accumulative effects are a major concern for Patuharakeke. This application threatens to add significantly to the cumulative effects.
- 8.46 Patuharakeke Te Pou Taiao’s Mātaaitai Recovery Plan is a holistic, multi-species and multi-method programme designed to restore the mauri, abundance, and long-term resilience of key taonga shellfish species across our rohe moana. Guided by Patuharakeke values—kaitiakitanga, manaakitanga, rangatiratanga, and intergenerational knowledge transfer—this plan weaves mātauranga-ā-hapū with scientific research, applied marine management tools, as well as partnerships with local, regional, and national organisations. We recognise that healthy mātaaitai are central to cultural identity, wellbeing, and the revitalisation of customary harvest practices. By addressing immediate pressures, trialling innovative restoration approaches, and building long-term climate adaptation and resilience, this plan offers a strategic pathway toward revitalising both taonga species and the systems that support them. See the Maitaitai Recovery Plan Wheke conceptual framework in **Appendix 7**.
- 8.47 Looking back up at all the kaitiaki actions we are undertaking, we consider that the application will have significant effects on our ability to exercise kaitiakitanga and thus on our relationship with Te Ākau Bream Bay and its taonga because:
- a) The application fails to reflect that in this case and given the nature of Te Ākau Bream Bay and the deteriorating health of some of its resident taonga, exercising

⁶ <https://www.authorea.com/doi/full/10.22541/au.177524345.58000814/v1>

kaitiakitanga in accordance with Patuharakeke tikanga means that an activity like this cannot go ahead.

- b) More generally, the application shows insufficient consideration of Patuharakeke relationship with Te Ākau Bream Bay and its taonga species. Only we can explain our cultural values and associations and effects on them and the application does not reflect this.
- c) No protection, nor safeguarding, of areas of significance and importance to Patuharakeke, although it is acknowledged that in this instance the protection required means an application like this cannot proceed.
- d) Adverse effects on the mana and mauri of Tangaroa and taonga. This is our view, based on our experience and knowledge and cultural values. However, our understanding of the statements prepared by the consultants we engaged to help us review the application is that the application will or is likely to adversely affect Tangaroa and taonga from a western science perspective as well.
- e) Limited, to no, consideration and response to Climate Change and cumulative effects more generally.
- f) Cultural losses and costs to Patuharakeke on (present and future) rangatiratanga and kaitiakitanga, and the costs to the Local Community.

8.48 The CIA concludes that given the identified cultural impacts, Patuharakeke cannot support the fast-track proposal to extract sand from Te Ākau Bream Bay. This position is on the basis that the extent of the adverse effects (and costs) to the Rangatiratanga of, and exercise of Kaitiakitanga by, Patuharakeke, are substantial, and that the adverse impacts on taonga, which includes Te Ākau Bream Bay itself, are significant. Te Ākau Bream Bay is an area of high significance to Patuharakeke and there will be an adverse effect on the customary authority, and customary rights/interests/practices, of Patuharakeke should the project proceed.

9. CONDITIONS

9.1 The conditions proposed by the applicant do not remedy these affronts on our mana moana and tikanga.

9.2 Attending a pre-start hui led by Te Parawhau ki Tai (which is what the conditions provide for) is an affront to our mana moana and is contrary to our tikanga. Regardless of the fact that we do not support the activity and therefore the suggestion of a pre-start hui, those who hold ahikātanga should be responsible for leading these types of events because it is their tikanga that applies. This has always been the case in Te Ākau Bream Bay, for example Patuharakeke kaumatua open karakia in tohorā whale stranding events, Patuharakeke kaumatua call down rāhui when there have been drownings, Patuharakeke kaumatua called down the rāhui on Poupouwhenua Mair and Marsden Banks to stop the harvesting of kaimoana; Patuharakeke kaumatua carry out mihi whakatau for events on the beach - i.e. the recent protest events.

- 9.3 This same principle applies to the proposed Mahere Tikanga Plan to be prepared by Te Parawhau ki Tai. This condition is an affront to our mana moana and fails to recognise and provide for our traditional relationships with Te Ākau. The Mahere Tikanga Plan enables Te Parawhau ki Tai to determine tikanga processes and protocols for the types of incidents I have just listed above, eg. whale standings and drownings. Implementation of that plan through this consent will legitimise a transfer of tikanga duties and obligations that Patuharakeke as ahikā have carried out intergenerationally (and on behalf of our whanaunga hapū and iwi) through to present. It will diminish the mana and mauri of our tūpuna, our current generation of kaumatua and our tamariki and mokopuna yet to be born.
- 9.4 Even if the proposed Mahere Tikanga Plan was prepared by or with Patuharakeke and Ngātiwai we would essentially be engaging in a kind of “Clayton’s deal” - participating in mitigation to ensure our involvement as kaitiaki - in an activity that is incompatible with our tikanga. In our view, kaitiakitanga is an act of guardianship not mitigation. It is an act of safeguarding in the first instance rather than reparation after the fact or tokenism around the edges.
- 9.5 There is also a cultural contribution condition (condition 44) which sees Patuharakeke, Te Parawhau Ki Tai and Ngātiwai receive a proportion of income from the activity. This condition is an affront to our mana moana and fails to recognise and provide for our traditional relationships with Te Ākau. Through the process of colonisation and land alienation Patuharakeke now retain less than 2% of our whenua. The industrialisation of our harbour means more and more of our takutai moana has been taken up by reclamation and subject to pollution and unsustainable harvest practice. But Te Ākau Bream Bay is still ours. We have worked tirelessly to protect it, maintain our kaitiakitanga and use any tools at our disposal whether tikanga based or legislative. This proposal essentially alienates us physically and intangibly from a significant portion of Te Ākau Bream Bay. Not only that, but there is enough uncertainty of potential environmental impacts that it could undermine our connection with a far wider area. Te Ākau and our people and practices are not a commodity - the relationship is about whakapapa, identity, kaitiakitanga, and intergenerational responsibility. When those connections are damaged or broken, what is lost is not just access to a resource, but taonga tuku iho, mauri, and the ability to uphold our obligations to tūpuna and mokopuna. An augier offer of this kind without any discussion with Patuharakeke indicates a clear misunderstanding of our rangatiratanga. Therefore, any attempt to put a “price” on cultural loss misunderstands its nature: it is not a commodity, but a taonga.
- 9.6 From our Patuharakeke perspective, there are multiple cultural issues that cannot be addressed, plus the magnitude of some effects are unknown and therefore risk being irreversible.

10. CONCLUSION

- 10.1 For the reasons set out in this statement, and the other statements submitted with our comments to the Panel, Patuharakeke opposes the application. For completeness I note I have read the statement of Mr Solomon and agree with what he has said.



David Milner (Pou Hautu Co-Convenor) On behalf of Te Pou Taiao o Patuharakeke Te Iwi Trust Board.