

BEFORE THE EXPERT PANEL

FTAA 2511 1150

UNDER THE

FAST TRACK APPROVALS ACT 2024 (FTAA or Act)

IN THE MATTER OF

a substantive application by McCallum Bros Limited for the Te Ākau Bream Bay Sand Extraction Project located at Te Ākau Bream Bay, Northland

**STATEMENT OF EVIDENCE OF RIRIPETI MIRA NORRIS ON BEHALF OF TE
POUWHENUA O TIAKIRIRI KŪKUPA TRUST (TE PARAWHAU KI TAI)**

Dated 26 May 2026

Richard Allen Law Ltd
Solicitor Acting: Richard Allen
richard@ralaw.co.nz

Counsel
Magdalene Chambers
Rob Enright
rob@publiclaw9.com

Marti Enright
memarte00@gmail.com

I, Riripeti Mira Norris, of Whangārei — of the places known as Toe Toe, Otaika, Kopuawaiwaha, Takahiwai, and Pouwhenua — Kaimahi, confirm that:

Part 1: Introduction

1.1 I am a Trustee of Te Pouwhenua o Tiakiriri Kūkupa Trust on behalf of Te Parawhau ki Tai (**Te Parawhau ki Tai**), and a Relationship Representative of the Te Parawhau Resource Consent Unit. I am authorised to provide this statement of evidence on behalf of the Trust.

1.2 Te Parawhau ki Tai is a formally recognised participant in these proceedings. We have provided a Cultural Impact Assessment Report to the Expert Panel as Cultural Specialists, prepared to protect the cultural environment interests of Te Parawhau in relation to the Bream Bay Sand Extraction Project.

1.3 Te Parawhau ki Tai holds mana whenua and mana moana within the rohe relevant to this proceeding, and are haukāinga for this MBL proposal. We exercise ahi kā within our rohe, which includes the area where proposed sand extraction-(**the project**) will occur. The places of Toe Toe, Otaika, Kopuawaiwaha, Takahiwai, and Poupouwhenua are among the ancestral places of Te Parawhau within this rohe. The area known in these proceedings as Bream Bay is, for Te Parawhau, Paepae Atua — and it is from our connection to Paepae Atua, the Takahiwai Marae, and the broader cultural landscape of this rohe that our interests in this proceeding derive.

1.4 Te Parawhau ki Tai was confirmed as a participant to the fast-track process, as set out in the Panel’s **Minute 3** (dated 28 April 2026).

1.5 I have already provided an affidavit in this process, affirmed 12 May 2026. I adopt that affidavit without repeating it. This evidence is given without prejudice to the matters raised in that affidavit.

Part 2: Overview

2.1 My evidence responds to the invitation of the Bream Bay Sand Extraction Project Expert Panel (**the Panel**) and in direct response to the matters raised in Panel Minute 3, paragraphs [26]–[33]; as well as an initial response to some of the matters identified in Minute 8. My evidence is necessarily brief and in summary form, but we rely on detailed evidence provided for the High Court in respect of several Te Parawhau ki Tai claims under MACA legislation, as well as Waitangi Tribunal proceedings involving Te Parawhau ki Tai claimants. These are adopted into my evidence as attachments.

2.2 My evidence addresses three inter-related matters:

- The assertion of Te Parawhau ki Tai's status as the correct Tangata Whenua and Tangata Moana at Paepae Atua;
- The findings of the Waitangi Tribunal 2022 (WAI 1040) as they bear directly upon Crown conduct in this rohe, and upon Te Parawhau's unextinguished relationships, tikanga and interests under section 6(e) and 7(a) RMA; and
- The concern that the Panel's early acceptance of Patuharakeke as haukāinga holding ahi kā responsibilities has conveyed, or created a reasonable apprehension of, predetermination or bias in respect of the relative status of three of the interested parties.

3. Te Parawhau ki Tai notes that at the first meeting of the Convener Panel, which included interested parties, the Convener was advised that a cultural effects / cultural issues hearing would be requested before the Panel. Te Parawhau ki Tai respectfully requests that this assurance be honoured before the Panel proceeds to any determination of section 6(e) and 7(a) RMA issues, as relevant to the cultural effects of this proposal.

Part 3: Te Parawhau ki Tai – Tangata Whenua and Tangata Moana at Paepae Atua

A. Whakapapa and Historical Foundation

4. Te Parawhau ki Tai are the correct Tangata Whenua and Tangata Moana at Paepae Atua. This status is grounded in tikanga, whakapapa, occupation, and historical record that substantially predates and outweighs any claim advanced on behalf of Ngāti Wai in this area.

5. The proprietorship of the lands from Takahiwai down to Ruakākā and the southern Whangārei headlands has its genesis in the ancient Ngāi Tāhuhu people. At Takahiwai and Ruakākā, Te Parawhau descend through Ngāi Tāhuhu, Ngāti Ruangāio, and Ngāti Tū. The principal whakapapa descent lines are:

- From Pae and Weku, twin daughters of Te Raki, descendants of Ngāi Tāhuhu – the original proprietors of this land;
- From Te Raraku, half-brother of Pae and Weku, whose rights in Ruakākā were gifted by Te Kāhore, husband of Pae and Weku; and
- From Te Kāhore, son of the Ngāpuhi (Ruangāio) chief Ponaharakeke, who married Pae and secured peace through that marriage alliance.

6. The hapū Te Patuharakeke – whose members Patuharakeke Te Iwi Trust Board now claims to represent – is itself a hapū of Te Parawhau. This is a matter that must be properly understood by the Panel. Patuharakeke’s status

does not displace or diminish Te Parawhau's overarching rangatiratanga and mana whenua in this area.

7. The Crown Purchase Deed of 14 July 1854 for Poupouwhenua (Turton Deeds No 101) identifies the vendors of the Whangārei headlands as Te Parawhau signatories: Manihera, Tatau, Te Maremare, Poa, Kare Kare, and Reweti. The Ruakākā Crown Purchase Deed of 16 February 1854 (Turton Deeds No 96) further records Te Parawhau vendor lines for the southern harbour. The Takahiwai Crown Purchase Deed identifies Ngāti Tū and Patuharakeke – people of Te Parawhau – as the vendors.

8. The Native Land Court records for Pukekauri (1883) are instructive.¹ Wiki Te Pirihi, giving evidence on oath, stated:

"I live at Takahiwai my hapu is Patuharakeke hapu of Parawhau Ngapuhi."

He further stated that his female ancestor Te Poho, granddaughter of Weku, was the owner of Te Mata, and that Te Weku was descended from Ngāi Tāhuhu – identifying the title in this region as resting with Te Parawhau and its affiliate hapū, not with Ngāti Wai.

9. Rimi Te Ponatikihi, also giving sworn evidence in the Pukekauri hearing, confirmed: "My hapu is Parawhau." The Court itself awarded the Pukekauri block on the tupuna of Te Urekuri, a Ngāi Tāhuhu/Ngāti Ruangāio/Te Parawhau line, expressly declining to recognise any separate Ngāti Wai interest.

B. Ngāti Wai does not exercise ahi kā, and has no Mana Whenua or Mana Moana in Southern Whangārei

10. Te Parawhau ki Tai considers that Ngāti Wai has not demonstrated ahi kā, mana whenua or mana moana in the area subject to the Bream Bay Sand Extraction application. This position is supported by:

¹ A copy of these entries will be produced.

- The Native Land Court minutes for all relevant southern Whangārei blocks, which identify owners as Ngāi Tāhuhu, Ngāti Tū, Patuharakeke, and Te Parawhau – with no Ngāti Wai interest awarded;
- The Ngātiwai Trust Board’s own Deed of Mandate proceedings (WAI 2561), in which Te Parawhau claimant Marina Fletcher provided sworn evidence demonstrating that the whakapapa links relied upon by Ngāti Wai in southern Whangārei are remote, ancient, and do not give rise to any recognised land or sea rights in this rohe;
- The Waitangi Tribunal’s findings in WAI 1040 (2022), which confirm the Crown’s historical breach of the partnership principle in relation to Te Parawhau’s interests in the Whangārei headlands.
- The area claimed by Patuharakeke as part of its MACA proceedings for Customary Marine Title excludes the area where sand extraction is proposed for MBL. While I understand there has been an application to amend the area claimed, but it is telling that the original application did not include this area.

C. Memorandum of Understanding with Te Rūnanga o Ngāti Whātua (2023)

10. Te Parawhau's status as Tangata Whenua and Tangata Moana in Te Paepae Atua (Bream Bay) and Whangārei Terenga Parāoa is formally recognised and supported by Te Rūnanga o Ngāti Whātua, as evidenced by the Memorandum of Understanding (MOU) signed between the parties on 8 August 2023, filed in the High Court proceedings CIV-2017-485-305.

11. The MOU records the following agreed facts, relevant to this Panel:

- Te Parawhau traces its origins to Ngāi Tāhuhu, Ngāti Tū, Ngāti Ruangāio, Ngāpuhi and Ngāti Whātua (MOU clause 2);
- The interests of Te Parawhau extend across all of Whangārei Terenga Parāoa (the Whangārei Harbour) and out into Te Paepae Atua (Bream Bay) between Manaia (Bream Head) and south down the coast to Paepae o Tū (Bream Tail), including Marotiri and Taranga (the Hen and

Chicken Islands), and have existed independent of any other hapū or iwi since well prior to the signing of Te Tiriti o Waitangi (MOU clause 3);

- Te Rūnanga o Ngāti Whātua will recognise and support Te Parawhau interests in Whangārei Terenga Paraoa and Te Paepae Atua and will not seek customary marine title or protected customary rights in those areas except through Te Parawhau (MOU clauses 6 and 7); and
- The Applicants agreed to pursue customary marine title on the basis of shared exclusivity (MOU clause 5).

12. This MOU constitutes formal recognition by a major iwi authority of Te Parawhau's exclusive interests in Te Paepae Atua. The Panel is respectfully asked to receive it as significant corroborating evidence of Te Parawhau's status. The MOU is reproduced at Appendix C to this submission.

D. Living Kaitiakitanga – Affidavit Evidence of Riripeti Mira Norris (2024)

13. As noted above, I have prepared several affidavits in the MACA proceedings and I adopt that evidence for this fast-track process. My affidavit dated 2 February 2024 in the High Court proceedings CIV-2017-485-305 (the Takūtai Moana application, before Harvey J), provides direct, first-hand evidence of Te Parawhau's continuous kaitiakitanga over Bream Bay and the coastal areas of the Whangārei Harbour. This evidence goes to the heart of what mana moana and ahi kā mean in practice.

14. This includes the whakataukī of our distinguished ancestor Taramainuku:

"I cast my net from Te Whara as far as the eye can see to Hauraki – My people from Te Whara to Hauraki, connected by whakapapa – Ngāti Whātua tūpuna ki Te Uri o Hau to the South, Te Parawhau / Ngāi Tāhuhu middle ground, Ngāpuhi / Ruangaio to the North."

15. Taramainuku is referring to his people as his net, who covered this area and held mana in it, connecting the land and sea from Te Whara (Bream Head) across Te Paepae Atua (Bream Bay).

16. My affidavit outlines the personal and continuous practices of Te Parawhau at the coastal areas directly affected by the MBL Bream Bay Sand Extraction project:

- From my youth, collecting tuatua at Ruakākā and kōkota at Marsden Bay for whānau before the Oil Refinery was built;
- Regular visits to Johnson Point at Waipū and Uretiti to collect pipi and check the health of the coastline (1968–1982);
- Walking the shoreline to check the health of the environment, a practice maintained weekly with my grandmother; and
- Checking wāhi tapu along the coastline, including the burial places of three wahine toa – three generations of tohunga and kaitiaki for Te Parawhau.

17. My affidavit also records the broader kaitiakitanga record of Te Parawhau elders in respect of the Whangārei Harbour, including the submissions of Te Roopu Kaumātua o Whangārei (1987) opposing effluent discharge into the harbour as repugnant to Māori cultural and spiritual values, and the statement of G. Pirihi Takahiwai that shellfish and kaimoana “are indicators of the health of the environment ... they maintain and enhance the mana and standing of the tribe.”

18. These accounts of lived and continuous kaitiakitanga are directly relevant to the Panel's assessment of cultural effects under the FTAA. Sand extraction in Te Paepae Atua will disturb the very seabed, kai moana resources, and spiritual landscape over which Te Parawhau has exercised continuous kaitiakitanga as Tangata Moana.

PART 3: THE WAITANGI TRIBUNAL 2022 FINDINGS – WAI 1040

19. The Waitangi Tribunal's 2022 Pre-Publication Report – WAI 1040 Te Rangatiratanga me Te Kawanatanga – contains findings of direct relevance to this Panel's consideration of Te Parawhau's ahi kā and s6(e) RMA

relationships, values, and tikanga for our rohe at Paepae Atua which includes the MBL sand extraction site.

20. At page 1883 of that Report, the Tribunal found:

"By requiring Te Parawhau to forfeit 1,000 acres of the Whangarei headlands (known as Te Poupouwhenua) as payment for the January 1845 taua muru against the settlers Millon and Patten, the Governor acted inconsistently with its obligation to act with utmost good faith, in breach of te maataapono o te houruatanga / the principle of partnership." (Waitangi Tribunal Report 2022 WAI 1040, page 1883)

21. This finding is significant for the following reasons:

- It confirms that Te Poupouwhenua – the Whangārei headlands, being Paepae Atua and the surrounding area – was land held by Te Parawhau as Tangata Whenua at the time of Crown contact;
- It confirms that the Crown's taking of those 1,000 acres was a Treaty breach, inconsistent with the principle of partnership;
- It means Te Parawhau's mana and rangatiratanga over Paepae Atua and Te Poupouwhenua remain unextinguished in terms of Treaty principle and in terms of the relationships, values and tikanga recognised by s6(e) and 7(a) RMA as relevant to the MBL proposal;
- Any Crown or regulatory decision – including a Fast Track approval – that fails to recognise Te Parawhau's unextinguished interests risks repeating the very breach the Tribunal has now formally found, as well as failing to recognise and provide for our relationships and tikanga with our ancestral lands, waters, sites, wāhi tapu and taonga.

22. Te Parawhau ki Tai submits that the Panel is bound under the Fast Track Approvals Act 2024 and the Resource Management Act 1991 to give proper weight to this Tribunal finding in its assessment of cultural effects, strength of relationships under s6(e) RMA, and the standing of interested parties.

PART 4: PREDETERMINATION AND BIAS – RESPONSE TO PANEL MINUTE 3

A. The Panel’s Acknowledgement of Patuharakeke’s Status

23. Te Parawhau ki Tai notes and acknowledges the Panel Chair’s careful clarification at paragraphs [26]–[29] of Minute 8, including:

- The acknowledgement that Patuharakeke’s hau kāinga / ahi kā status does not preclude other persons, groups, or entities from holding equal or concurrent status (para [27]);
- The acknowledgement that the referenced statuses “may be held and / or asserted by more than one person, group or entity” and that “there may be disagreement in respect of these” (para [28]); and
- The Panel’s express statement that it has not made, and does not intend to make at this early stage, any findings or preliminary determinations regarding status (para [29]).

24. Notwithstanding those clarifications, Te Parawhau ki Tai maintains that the original framing in Minute 2 – which accepted Patuharakeke’s hau kāinga and ahi kā status without reference to or consultation with Te Parawhau ki Tai or Ngāti Wai – reflects predetermination or bias by the Panel. The Panel’s characterisation of Patuharakeke as those with “ahi kā responsibilities” imports a hierarchy of status that the Panel has since acknowledged was not intended.

25. Te Parawhau respectfully requests that the Panel:

- Proceed on the explicit basis that Te Parawhau ki Tai holds status as Tangata Whenua, Tangata Moana, mana whenua, and mana moana at Paepae Atua as matters relevant to our strength of relationship under s6(e) RMA;

- Honour the request that a cultural effects hui or hearing would be convened before any status determination under s6(e) RMA or otherwise is made.
- We reserve our position on our challenge to the Panel as set out in my affidavit dated 12 May 2026.

B. Nature of the Status Dispute

26. In compliance with Panel Minute 8, paragraph [30](a) and (b)(i), Te Parawhau ki Tai sets out the nature of the status dispute as follows:

27. The dispute arises on at least four levels:

- (a) Whether Te Parawhau ki Tai – rather than, or concurrently with, Patuharakeke – holds hau kāinga and ahi kā status at Paepae Atua and the Whangārei headlands meaning that we have the strongest relationship with the seabed / whenua being extracted for sand mining by MBL;
- (b) Whether Ngāti Wai has a less strong relationship under s6(e) RMA with the MBL proposed site, and does not hold any legitimate mana whenua or mana moana interests under s6(e) RMA in southern Whangārei, including Bream Bay, given the whakapapa and historical record; and
- (c) The proper scope of any strength of relationship under s6(e) RMA kaitikitanga under s7(a) RMA, ahi kā, “mana whenua / mana moana” assessment in circumstances where the Crown has been found by the Waitangi Tribunal to have wrongfully dispossessed Te Parawhau of 1,000 acres of the Whangārei headlands being whenua adjacent to the MBL extraction site and forming part of the rohe of Te Parawhau ki Tai;
- (d) How this should be reflected in the Panel’s decision on the MBL proposal and proposed conditions.

C. Relevance of the Dispute to the Panel’s Decision-Making

28. In compliance with paragraph [30](b)(ii) of Minute 8, Te Parawhau submits that the status dispute is directly relevant to the Panel’s decision-making under the Fast Track Approvals Act 2020 for the following reasons:

- Cultural Impact Assessments (CIAs) submitted to the Panel by or on behalf of Ngāti Wai and/or Patuharakeke may not accurately represent the cultural effects of the project on Te Parawhau as Tangata Whenua and Tangata Moana at Paepae Atua;
- The weight to be given to any CIA, and the obligation of the Panel to receive and consider Te Parawhau’s own CIA, depends upon a proper understanding of Te Parawhau’s status;
- The Resource Management Act 1991, as applied through the FTAA, requires recognition of the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga – an obligation that cannot be met without recognising Te Parawhau’s unextinguished interests and that it has the strongest relationship with the area where the sand extraction will take place; and
- Te Parawhau ki Tai supports the MBL proposal for reasons given in our CIA, and the evidence of Pari Walker and Georgina Olsen.

PART 5: REQUEST FOR CULTURAL EFFECTS HEARING

30. Te Parawhau Ki Tai has already requested that a cultural effects hearing was required for this proposal. This should have taken place instead of the pōwhiri that the Panel conducted without any input or any invitation to Te Parawhau ki Tai, and would include Patuharakeke, Ngāti Wai, and Te Parawhau.

PART 6: RELIEF SOUGHT

32. Te Parawhau ki Tai respectfully seeks the following from the Panel:

1. A finding that Te Parawhau ki Tai holds the strongest relationship with the MBL proposal in its location, under s6(e) RMA and in terms of the exercise of kaitiakitanga under s7(a) RMA. Te Parawhau ki Tai has made the decision to support the MBL proposal subject to the matters identified in our CIA and the evidence of Pari Walker and Georgina Olsen.
2. Confirmation that the Panel will convene a cultural effects hearing (to include Patuharakeke, Ngāti Wāi, and Te Parawhau ki Tai), before any determination of strength of relationships under s6(e) and kaitiakitanga under s7(a) RMA.
3. That the Panel address the Waitangi Tribunal's 2022 findings in WAI 1040 in its assessment of Te Parawhau's strength of relationship, and in its consideration of the cultural effects of the proposed MBL project.
4. That no final determination of the strength of relationship of the Māori parties / participants be made without Te Parawhau ki Tai being given a full and fair opportunity to present its whakapapa evidence and legal submissions, but without prejudice to our earlier complaints about process.

PART 7: RESERVATION OF RIGHTS

33. Te Parawhau ki Tai reserves the right to file further and supplementary submissions, including legal submissions on status in accordance with the Panel's timetable (by 3 June 2026), addressing in greater detail:

- The full whakapapa record supporting Te Parawhau's status at Paepae Atua and the Whangārei headlands;
- A detailed legal analysis of the relevance of the Waitangi Tribunal's WAI 1040 findings to the Panel's decision-making; and

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- Case law from the higher courts bearing on the resolution of competing strength of relationship under s6(e) RMA and as relevant to the fast-track process.
 - Other relevant issues.
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Signed on behalf of Te Parawhau ki Tai:

Riripeti Mira Norris (Trustee)

Name / Title:

26 May 2026

Date:

APPENDIX A: RELEVANT CROWN PURCHASE DEEDS – SUMMARY TABLE

The following Crown Purchase Deeds and Native Land Court blocks identify Te Parawhau and its affiliate hapū as the recognised title-holders in southern Whangārei. Ngāti Wai does not appear as a principal claimant in any of these records.

Land Block	Record	Recognised Hapu / Group
Takahiwai	Crown Purchase Deed	Ngāti Tu and Patuharakeke (Te Parawhau)
Poupouwhenua (Whangarei Headlands)	Crown Purchase Deed (Turton No 101)	Parawhau – Manihera, Tatau, Te Maremare, Poa, Kare Kare, Reweti
Ruakaka	Crown Purchase Deed (Turton No 96)	Te Parawhau – Pou, Te Karoro, Te Mania and their tribe
Waipu No I & II	Crown Purchase Deed	Ngāitāhuhu, Ngāti Tu, Ngātiporo, Te Patukai (all Te Parawhau lines)
Kopuawaiwaha	Native Land Court (WMB 1:36–39)	Ngāitāhuhu – Pae and Weku descent (Te Parawhau)
Pukekauri	Native Land Court (WMB	Patuharakeke hapu of Parawhau Ngāpuhi and

Land Block	Record	Recognised Hapu / Group
	2:341–352)	Ngātiwharepaia (Te Parawhau)
Te Mata	Native Land Court	Patuharakeke and Te Kumutu – principal tribe Whanaupani (Ngāitāhuhu/Te Parawhau)
Mangawhati	Native Land Court	Ngāitāhuhu / Ngāti Tu (Te Parawhau descent)
Mangapai Paina	Native Land Court (1894)	Descendants of Pae and Weku (Te Parawhau)

Source: Turton Deeds; Māori Land Court Minute Books; Brief of Evidence of Marina Molly Fletcher, WAI 1040 (September 2016).

APPENDIX B: WAITANGI TRIBUNAL 2022 FINDING – WAI 1040 (EXTRACT)

The following extract is taken from the Waitangi Tribunal Report 2022, WAI 1040 Te Rangatiratanga me Te Kawanatanga Pre-Publication, page 1883:

"By requiring Te Parawhau to forfeit 1,000 acres of the Whangarei headlands (known as Te Poupouwhenua) as payment for the January 1845 taua muru against the settlers Millon and Patten, the Governor acted inconsistently with its obligation to act with utmost good faith, in breach of te maatapono o te houruatanga / the principle of partnership."

Te Parawhau submits that this finding confirms: (a) Te Parawhau's status as the Tangata Whenua whose land was taken; (b) the location of that land as Te Poupouwhenua – the Whangarei headlands, encompassing Paepae Atua; and (c) that the Crown's dispossession was a Treaty breach, leaving Te Parawhau's underlying mana and rangatiratanga unextinguished.

APPENDIX C: MEMORANDUM OF UNDERSTANDING – TE PARAWHAU AND TE RŪNANGA O NGĀTI WHĀTUA (8 AUGUST 2023)

The following is the Memorandum of Understanding filed in the High Court proceedings CIV-2017-485-305 (Takūtai Moana Act application).

MEMORANDUM OF UNDERSTANDING – 8 August 2023

BETWEEN Te Parawhau, CIV 2017-485-305

(signed: Tamihana Akitai Paki, Applicant, 8 August 2023,
Korokota Marae on behalf of Te Parawhau Hapū)

AND

Te Rūnanga o Ngāti Whātua, CIV-2017-404-563

(signed: Alan Riwaka, Manahautū – Te Rūnanga o Ngāti Whātua, 11 August 2023)

Together the Applicants agreed as follows:

5. The Applicants have shared whakapapa and history in the Whangārei area including within the harbour itself, and south down the coast to Paepae o Tū (Bream Tail). Each of the Applicants' groupings have Whakapapa and Tātai to Ngāti Whātua and Te Parawhau.
6. Without excluding other links, Te Parawhau traces its origins to Ngāi Tāhuhu, Ngāti Tū, Ngāti Ruangāio, Ngāpuhi and Ngāti Whātua.
7. The interests of Te Parawhau extend across all of Whangārei Terenga Paraoa (the Whangārei Harbour) and out into Te Paepae Atua (Bream Bay) between Manaia (Bream Head) and south down the coast to Paepae o Tū (Bream Tail), and include Marotiri and Taranga (the Hen and Chicken Islands), and have existed independent of any other hapū or iwi since well prior to the signing of Te Tiriti o Waitangi.
8. The interests of Ngāti Whātua extend to their northern boundary, being Manaia titiro ki Whatitiri, Whatitiri titiro ki Tutamoe, Tutamoe titiro ki Maunganui.

9. The Applicants agree, to the extent of the overlap between their applications, to pursue customary marine title under the Marine and Coastal Area (Takūtai Moana) Act 2011 on the basis of shared exclusivity.
 10. Te Rūnanga o Ngāti Whātua will recognise and support Te Parawhau interests in Whangarei Terenga Paraoa and Te Paepae Atua (Bream Bay) as described in paragraph 3 above and in obtaining customary marine title and protected customary rights under the Act.
 11. Te Rūnanga o Ngāti Whātua will not seek to hold customary marine titles or protected customary rights in the Stage 1(a) and 1(b) Whangarei Harbour and Bream Bay Coast hearing areas except through Te Parawhau and will file amended pleadings on or prior to 21 August 2023.
 12. The Applicants named in this MOU will ensure that, subject to any decision of the Court, Ngāti Whātua interests will be recognised and provided for through Te Parawhau.
 13. For the avoidance of doubt, this MOU applies only in respect of Te Taitama Wahine (east coast areas) described in paragraph 3 above and excludes Te Taitama Tane (west coast areas, including the Kaipara Moana).
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APPENDIX D: SWORN AFFIDAVIT OF RIRIPETI MIRA NORRIS – CIV-2017-485-305 (2 FEBRUARY 2024) – EXTRACTS

Counsel Acting for Te Parawhau in those proceedings: Cameron Hockly, Hockly Legal (cameron@hockly.co.nz). Judicial Officer: Harvey J.

The following extracts from the sworn affidavit of Riripeti Mira Norris, filed 2 February 2024, are relevant to the Panel's assessment of kaitiakitanga and mana moana in Te Paepae Atua:

Whākataukī of Taramainuku:

"I cast my net from Te Whara as far as the eye can see to Hauraki. My people from Te Whara to Hauraki – connected by whakapapa. Ngāti Whātua tūpuna ki Te Uri o Hau to the South. Te Parawhau / Ngāi Tāhuhu middle ground. Ngāpuhi / Ruangaio to the North. Tahuhunuiarangi te Waka Tū Nui a Rangī. All my People from the Mountains to the Sea. Fill your baskets – nourish your people from nature."

Ms Norris explains: "Taramainuku here is referring to his people as his net, who covered this area, who held mana in this area."

Rangatiratanga required the Tūpuna to protect Mana o Te Atua, Mana o te Wai, Mana o Te Moana, Mana o Te Ao, Mana o te Tangata. These legacies have been passed down over the centuries to Te Parawhau today.

Whakapapa (from the Norris Affidavit):

Tahuhunuiarangi – Tuāūahiroa (Ngāti Tū Tūpuna) – Tuhukea – Tautepo – Kokako = Ruatangihia – Nehe = Teroroaterangi – Hakiki, Uhinga = Tawhiro, Rāpē, Motatau – Tuatara – Tokaitawhia – Tahuhu = Ngāiwi, Taotahi = Heiawa, Kukupa, Papa = Ipuwhakatara – Whakaariki = Te Poho, Te Pirihi = Marotiri, Wiki Te Pirihi.

Personal kaitiakitanga record (Norris Affidavit, paragraphs 35–40):

Ms Norris records continuous kaitiakitanga of the Bream Bay / Ruakākā coastline from her youth to the present:

- Collecting tuatua at Ruakākā and kōkota at Marsden Bay for whānau before the Oil Refinery was built (pre-1965);
- After loss of the waterfront to NZ Refining, continued practices at Johnson Point, Waipu (collecting tuatua and kōkota);
- Weekly visits with her grandmother along the seafront checking the health of the environment (1968–1982);
- Checking wāhi tapu along the coastline, including burial places of three wāhine toa – three generations of tohunga and kaitiaki for Te Parawhau; and
- These trips were “a part of the kaitiakitanga that she [grandmother] maintained, as she checked on wāhi tapu along the coastline ensuring there had been no damage to them.”

Statement of G. Pirihi Takahiwai regarding Northland Deep Water Port:

"Shellfish and other kaimoana have an intrinsic value placed upon them in Māori society. They are indicators of the health of the environment, they satisfy the traditional palate, they provide sustenance for a lot of people, and importantly they maintain and enhance the mana and standing of the tribe."

Te Parawhau submits that this sworn evidence of continuous, personal, and intergenerational kaitiakitanga over the Ruakākā, Marsden Bay, Uretiti, and Bream Bay coastal areas is directly relevant to the Panel's assessment of cultural effects, and confirms Te Parawhau's status as Tangata Moana in the area subject to the application.

APPENDIX E: KAITIAKI RŌPŪ AND COMMUNITY ENGAGEMENT – TE PARAWHAU KI TAI

The following is provided to give the Panel a brief example of the community work, Resource Consents, and policy involvement within the Local Government Acts undertaken since 1990 on behalf of Te Parawhau, and continuing today as the Holder of a Manawhaka Hono a Rohe – Te Pouwhenua o Tiakiriri Kukupa Trust T/A Te Parawhau ki Tai.

A. Whangārei Terenga Parāoa Kaitiaki Rōpū (2000–present)

The Whangārei Terenga Parāoa Kaitiaki Rōpū (WTPKR) was formed in 2000 in response to the new Port Expansion at Marsden Point. Its original members represented the core Te Parawhau communities: Marina Fletcher, and representatives for Toetoe, Parua Bay (Wily and Dawn Pohe), Ngāti Kahu o Torongare (Waimarie Bruce), Te Waiariki (Violet Sāde), and Takahiwai (Mary and Ray Wassell). Membership of this Kaitiaki Rōpū was a formal condition of the Port Development consent at Marsden Point, with the permitted document specifying that Māori of Parua Bay, Toetoe, and Takahiwai form the membership.

The Rōpū continues the legacy of previous Whangārei Māori committees, acting as kaitiaki and maintaining the health of the rohe moana and surrounding environment. The Te Parawhau RMA Rōpū has been active since 1996 dealing with resource consents, Cultural Impact Assessments, and ensuring that kaitiakitanga practices and Cultural Values are built into all developments to avoid damaging wāhi tapu and taonga around the Harbour.

B. Community and Environmental Projects

Projects undertaken by WTPKR include:

- Reseeding of Seagrass and Pipi in the Whangārei Harbour. A resident of Parua Bay for over 40 years, Gregg Innes, has verified that the reseeded seagrass has improved Harbour health and the return of many aquatic species around Parua Bay;
- Monitoring of pipi beds at Marsden Point, Ruakākā, and Takahiwai over a two-year period (funded at \$80,000). Willie Pohe undertook equivalent monitoring at Parua Bay as a kaitiaki without compensation;
- Collaboration with Whitebait Connection, Portland School and Otaika School to develop habitats to collect whitebait eggs. WTPKR gifted \$22,000 to the Whitebait Connection Trust for this project; and
- Ongoing monitoring of water quality, mangrove health, and marine environment throughout Whangarei Terenga Paraoa.

C. Resource Management Act – Partnership Agreements and Design Contributions

Since 2004, Te Parawhau Resource Consent Practitioners have worked with Whangārei District Council on major infrastructure and precinct plans, including:

- The Hatea River crossing (the Bascule Bridge – Te Matau): Te Parawhau selected the design to depict the Fish Hooks that Ngāi Tāhuhu tūpuna (pre-1840) made when they occupied what is now Pohe Island;
- The Hatea Loop and the Kotuitui Bridge at Hihiaua: the bridge design depicts fishing nets cast by tūpuna, so that when the bridge sides are parted they resemble nets being cast;
- Current work on the new roundabout at Port and Kioreroa Road intersection; and
- In 2018, active involvement in establishing a Marina in Ha Ha Creek (Limeburner’s Creek) Opau Peninsula. Under the signed Partnership Agreement, the freehold land will be owned by Te Parawhau and leased

back to Whangārei District Council and Northland Regional Council (trading as Whangārei Marina Trust) for a peppercorn rental. The Partnership Agreement also provides that the Okara Marina will support Te Parawhau in their MACA claims in the Whangārei Harbour.

A further RMA Partnership Agreement in 2017 was with Fletcher New Zealand (Portland Cement Works), who applied for a resource consent to upgrade their wharf and required dredging of the Mangapai channel. Te Parawhau kaitiaki monitored visual water quality throughout that project.

D. Local Government Policy Engagement (1990–present)

The following committees and working groups represent continuous Te Parawhau engagement with local government to protect our rohe from policy changes that could adversely affect our interests:

Northland Regional Council (volunteer representation):

- Whangarei Harbour Kaitiaki Rōpū (2000–present)
- Whangarei Harbour Catchment Group (2010–present)
- Urban Whangarei Rivers (2014–present)
- Kotuku Retention Dam / Hopua te Nihoteatea (2007–2014)
- Climate Change Adaptation Group (2018–2020)
- Natural Resources Working Group (2023–present)
- Climate Change Working Group (2018–2022)
- Water and Land Working Group (2020–2023)
- NRC Draft Freshwater Policy Working Group (2020–2023)
- Biosecurity and Biodiversity Working Group (2023–present)

Joint representation with elected Councillors:

- Tai Tokerau Māori Advisory Collective / TTMAC (2014–present)
- Tai Tokerau Water Advisory Group / TTWAG (2019–present)
- Māori Technical Advisory Group / MTAG (2018–present)

Whangārei District Māori Council:

- Whangārei Māori Committee – representing Otaika (1990s–present)
- Whangārei District Māori Committee Chair (1996–present)
- Whangārei District Council elections candidate (1990, on behalf of Rōpū Kaumātua)

As noted in the affidavit: “Staff at Northland Regional Council and Whangārei District Council are here today and gone tomorrow; as Kaitiaki we are always present.” This continuity of engagement – spanning more than three decades – is itself evidence of Te Parawhau’s continuous exercise of kaitiakitanga and active participation in the governance of Whangārei Terenga Parāoa and its environs.

This evidence is drawn from the sworn affidavit of Riripeti Mira Norris (CIV-2017-485-305, paragraphs 61–84, filed 2 February 2024, Harvey J) and is provided on behalf of the Holder of a Manawhaka Hono ā Rohe – Te Pouwhenua o Tiakiriri Kukupa Trust T/A Te Parawhau ki Tai.

Te Parawhau – Nō Tō Tātou Ao

ANNEXURES TO THIS EVIDENCE

- (1) AFFIDAVIT OF RIRIPETI MIRA NORRIS (MACA) PROCEEDINGS DATED 21 AUGUST 2023
- (2) AFFIDAVIT OF RIRIPETI MIRA NORRIS (MACA) PROCEEDINGS DATED 02 FEBRUARY 2024
- (3) AFFIDAVIT OF BRUCE STIRLING (MACA) PROCEEDINGS
- (4) MANA WHAKAHONE A ROHE
- (5) MEMORANDUM OF UNDERSTANDING TE RŪNANGA O NGĀTI WHĀTUA 08 AUGUST 2023
- (6) BRIEF OF EVIDENCE OF MARINA FLETCHER (SEPT 2016)