TE POUWHENUA O TIAKIRITI KŪKUPA TRUST

Trading as Te Parawhau ki Tai

Representing Te Parawhāu Hāpū — Whangārei, Tai Tokerau

10 August 2026

Fast-track Team

Environmental Protection Authority

By email: substantive@fasttrack.govt.nz

Tēnā koutou katoa,

COMMENT ON APPLICATION — ALTERNATIVE TO THE BRYNDERWYN HILLS (BRYNDERWYN HILLS SECTION), FTAA-2603-1178

This is the formal comment of **Te Pouwhenua o Tiakiriri Kūkupa Trust** (trading as Te Parawhau ki Tai), submitted on behalf of Te Parawhāu Hāpū, in response to the invitation to comment issued under Minute 3 of the Expert Panel (15 July 2026) on the above application by New Zealand Transport Agency Waka Kotahi (NZTA).

This comment is provided by Riripeti Mira Norris, Trustee and Relationship Representative of the Te Pouwhenua o Tiakiriri Trust member, who confirmed in writing to the Board of Trustees on 3rd August 2026 and unopposed. Te Parawhāu's separate CIA is already before the Panel and this comment is to be read alongside it, not as a replacement for it.
Consent by Te Parawhau Mandated membership to forward this submission (NZTA Fast Track application) on their behalf was received 1st July Hui 2026.

1. WHO WE ARE, AND WHY THIS MATTERS TO US

Te Parawhāu are tangata whenua of the Whangārei rohe, with whakapapa connections spanning Kamo, Maunu, Poroti, Titoki, Ruarangi, Mangapai, Puwera, Takahiwai, Poupouwhenua, Otaika, Kopuawaiwaha, Ruākākā, Uretiti, Waipu and the wider Whangārei Harbour — land and water that sit directly alongside, and in places within, the corridor this Project proposes to cut through.

Our authority here is not sentimental. The Waitangi Tribunal's findings in *WAI 1040* record a Crown breach in 1883 that forced Te Parawhāu to forfeit Te Poupouwhenua — land taken from us once already, in the name of progress determined by others. We raise this not as history for its own sake, but because the pattern that produced that loss — decisions about our whenua made without us, and taonga treated as an acceptable cost of infrastructure — is the same pattern we are being asked to trust will not repeat here.

Our role as kaitiaki is not an honorary or symbolic one. It is a living obligation to the mauri of this whenua and awa, held on behalf of those who came before us and owed in full to those who come after. That obligation is what this comment speaks from.

2. TE PARAWHĀU'S POSITION

Te Parawhāu does not support this Project in its current form. Our position, consistent with the Cultural Impact Assessment already filed with the Panel, is that the effects on Hochstetter's frog (pepeketua), kauri, freshwater ecology, wetlands, and sites of cultural significance within the Brynderwyn Hills corridor require **genuine redesign — including tunnel and viaduct options that avoid the highest-value habitat and wāhi tapu** — not management plans that assume destruction and attempt to compensate for it afterwards.

We note that other māori parties commenting on this application — Patuharakeke Te Iwi Trust Board and Te Uri o Hau — have independently corroborated the same core ecological concerns: pepeketua and freshwater species, kauri and kauri dieback risk, wetlands, and aquifer effects. Three separate hapū, working independently, reaching the same conclusions about the same corridor, is not coincidence. It is convergent evidence that these effects are real, substantial, and not adequately addressed by the application as lodged.

Where Te Uri o Hau's position emphasises a redress and offset framework, Te Parawhāu's position remains **avoidance first**. We do not consider offset or compensation an adequate substitute for a taonga species population that field surveys themselves describe as exceptional — including headwater reaches recording frog densities so high that survey teams could not safely continue counting them. A population of that significance is not something to be managed around. It is something the Project should be designed to avoid.

3. THE PATTERN THIS PANEL IS BEING ASKED TO IGNORE

Te Parawhāu has direct, first-hand experience of what happens when cultural conditions are treated as a paper exercise rather than a binding constraint on construction.

Loop Road roundabout

During construction of the Loop Road roundabout, cultural conditions were in place. They did not prevent NZTA's contractors from destroying Te Parawhāu's Tauranga Waka and excavating ancient carved anchors. No accountability followed. No redress was offered. The conditions existed on the page and failed completely in practice.

Snake and Mair Bank, the collapse of the kōkota beds

Snake and Mair Bank supported commercially viable kōkota and cockle gathering into the 1990s. Reclamation and industrial development at Poupouwhenua proceeded under environmental conditions intended to manage effects on the harbour. By 2015, the shellfish beds had collapsed. The conditions did not prevent it; they coincided with it.

We raise both examples because the draft Augier cultural conditions and the draft Ecological Management Plan (EMP) now before the Panel for this Project follow the same structural pattern that produced those outcomes — and we set out why below.

4. THE DRAFT AUGIER CULTURAL CONDITIONS DO NOT ADDRESS THIS PATTERN — THEY REPEAT IT

- Deferred management. The Cultural Values Management Plan (CVMP) is not prepared until after a contractor has been appointed — the same deferred, post-appointment structure that has previously left hapū negotiating from behind, once construction pressure is already active.

- Unilateral standards. “Practicability” and other operative standards in the draft conditions are set by NZTA, not agreed with hapū.
- Discretionary engagement. Hapū feedback on the CVMP is accepted at NZTA's discretion, not as a binding requirement.
- Inconsistent notification. Notification obligations for Memorial Site provisions are limited to Te Uri o Hau, with no equivalent obligation to Te Parawhāu or Patuharakeke, despite overlapping interests in the same corridor.
- The CVA is undefined. A term central to the conditions' operation should not be left open.

5. THE DRAFT ECOLOGICAL MANAGEMENT PLAN (13 JULY 2026)

We have reviewed the Hochstetter's Frog, Lizard, and Invertebrate Management Plans lodged on 13 July 2026. The document is methodologically detailed, and we acknowledge the specialist effort behind it. Detail is not the same as accountability, and on that measure the EMP falls short in ways the Panel should weigh heavily.

- It is still a draft. It will be finalised only once Wildlife Act Approval conditions are set — meaning the Panel is being asked to grant approvals against a document that is not yet the operative version.
- Discretion sits entirely with NZTA's appointed specialists. The Project Herpetologist and Project Entomologist hold broad, largely unilateral authority over timing, method, and which areas are released from search — decisions made by professionals engaged and paid by the applicant, not agreed jointly with mana whenua.
- “Iwi Representatives” appear in the EMP only as a notification party for undocumented or unmanaged species discoveries. That is not a role in decision-making over pepeketua, a taonga species central to Te Parawhāu's cultural concerns — it is a role in being told after the fact.
- The EMP itself documents that this has already happened here. It references the 2023–2024 Brynderwyn Hills Recovery Project, where habitat loss and frog salvage occurred before this application was even before the Panel. The precedent Te Parawhāu is warning against is not hypothetical — it is recorded in NZTA's own document.

A total of 318 Hochstetter's frogs were recorded across 55 survey transects, with individual headwater reaches recording densities so high that surveyors could not safely continue. This is described by the applicant's own ecologists as a significant stronghold population. We do not accept that a population of this scale and rarity should be managed through salvage and relocation — a process the EMP itself acknowledges has uncertain outcomes, noting frogs were found under only 18% of relocated rocks one month after a prior relocation. Avoidance through redesign is achievable. Relocation of a stronghold population at this scale is not an acceptable substitute for it.

6. PROCESS CONCERNS THE PANEL SHOULD NOTE

Independence of the transport assessment

NZTA has advised that the author of the Project's Transport Assessment has taken a role at NZTA — the applicant — and has been replaced as NZTA's “independent” transport expert by the person who previously served only as verifier of that same assessment, and who now adopts its findings rather than independently re-assessing them. Where transport effects intersect with cultural or ecological concerns — construction access, severance, traffic near sites of significance — this is a genuine independence concern, not a procedural technicality.

Cultural engagement sequenced to happen last

NZTA's counsel has proposed that any decision on whether to hold a cultural issues hui be made only after the comments and response-to-comments period closes. Te Parawhāu's planned kanohi ki te kanohi hui with NZTA did not occur, and will not be rescheduled, due to funding cessation — meaning this written comment is our only formal opportunity to place our position on the record before NZTA's technical reports for this section are effectively locked in. Deferring cultural engagement until after the written record closes risks reducing it to a formality that happens after the substantive decisions have already been made. We ask the Panel to treat this sequencing concern as substantive, not administrative.

7. WHAT TE PARAWHĀU REQUIRES

- Genuine redesign options — including tunnel and viaduct alignments — be assessed to avoid the highest-value pepeketua habitat and wāhi tapu, rather than proceeding on the basis of salvage and offset.
- The CVMP be developed and agreed with hapū before, not after, contractor appointment, with hapū agreement required rather than hapū feedback accepted at NZTA's discretion.
- The final EMP give Iwi Representatives a role in decisions affecting taonga species — not only notification once decisions are made.
- Notification obligations under any Memorial Site or equivalent provisions apply equally to Te Parawhāu and Patuharakeke, not solely to Te Uri o Hau.
- The Trust be correctly named as Te Parawhāu ki Tai (representing Te Parawhau and Te Pouwhenua o Tiakiriri Kukupa Trust) in all designation and consent conditions.
- An independent transport review be obtained, given the standing concern over the current arrangement.
- A cultural issues hui with the Panel and NZTA be held before conditions are finalised, not deferred until after the written record closes.
- Any final conditions include binding accountability and remedy provisions should cultural sites or taonga species be damaged during construction — provisions Loop Road did not have, and whose absence there is the reason Te Parawhāu no longer accepts conditions on trust alone.

8. CLOSING

Te Parawhāu is not opposed to infrastructure, and we recognise the genuine safety case for improving this section of State Highway 1. We are opposed to being asked, once again, to accept assurances that have already failed us at Loop Road and at Snake and Mair Bank. Our kaitiaki obligation is not negotiable, and it does not expire at the end of a comment period. It is held on behalf of those buried at our urupā and owed in full to those not yet born.

We ask the Panel to weigh this comment accordingly, and we request early notice of the draft conditions so that Te Parawhāu's position can be tested against the final form of the Project before any decision is made.

Nāku noa, nā

Riripeti Mira Norris

Trustee and Relationship Representative

Te Pouwhenua o Tiakiriri Kūkupa Trust (T/A Te Parawhāu ki Tai) and On behalf of Te Parawhāu