

ATTACHMENT TWENTY-FOUR
CIA (Ngātiwai Trust Board)





Ngātiwai Trust Board

Cultural Impact Assessment (CIA)

Opposition to the Fast- Track Ruakākā Sand Mining Application
by McCallum Brothers Ltd (MBL)

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Executive Summary

Ngātiwai Trust Board strongly opposes the fast-track application by McCallum Brothers Ltd (MBL) to conduct offshore sand mining in Bream Bay, adjacent to Ruakākā. This position is grounded in the Ngātiwai Environment Management Plan (NEMP) and Te Tiriti o Waitangi principles of Partnership, Participation, and Protection. The proposal threatens taonga species (including tara iti/ New Zealand fairy tern), the mauri of Tangaroa, mahinga kai, and Ngātiwai's commercial fishing interests. Fast-track processing constrains meaningful, co-designed engagement with mana whenua and undermines statutory protections under the Resource Management Act (RMA). Ngātiwai seeks the decline of the application. If not declined, minimum requirements include co-governance with Ngātiwai, independent cultural and ecological assessments, comprehensive monitoring aligned with kaitiakitanga, and equitable economic returns.

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1. Introduction: Whakapapa and Te Tiriti Context

Te Iwi o Ngātiwai descend from Manaia and maintain deep connections to the coastal waters and islands across Te Tai Tokerau and Tīkapa Moana. Our identity, tikanga, and wellbeing are inseparable from the moana, reflecting Ngātiwai ki uta, Ngātiwai ki tai. Te Tiriti o Waitangi guarantees tino rangatiratanga over lands, waters, and taonga, establishing a relationship based on Partnership, Participation, and Protection. Historical breaches and resource exploitation have eroded trust; contemporary fast-track processes risk repeating these harms by limiting genuine iwi participation and co-decision-making.

2. Proposal Overview

Applicant: McCallum Brothers Ltd (MBL)

Activity: Offshore sand extraction via dredging vessels

Location: Offshore Bream Bay (≥ 4.5 km from Ruakākā coast)

Duration: 35 years

Volume: ~ 8.45 million m³ of sand

Purpose: Supply to Auckland construction industry.

3. Cultural Values and Ngātiwai Environment Management Plan (NEMP) Principles

The NEMP sets iwi- led expectations for environmental stewardship and cultural wellbeing.

Core principles include:

- Kaitiakitanga — guardianship of natural resources, sustaining mauri and whakapapa obligations.
- Protection of taonga species and habitats — including tara iti (New Zealand fairy tern), tuturiwhatu (New Zealand dotterel), marine mammals, shellfish beds, and benthic communities.
- Sustainable resource use — avoid depletion, ecological imbalance, and cumulative effects.
- Intergenerational equity — safeguard resources and cultural practices for mokopuna.
- Te Tiriti obligations — partnership, participation, and protection embedded in all decisions.

Applying NEMP to the MBL proposal, Ngātiwai concludes that industrial seabed extraction is incompatible with kaitiakitanga, undermines taonga protection, accelerates coastal and ecological risks, and fails to uphold Te Tiriti commitments.

4. Assessment of Cultural Effects

4.1 Fast- Track Process and Treaty/RMA Obligations

Fast- track processing constrains meaningful engagement and co-design with mana whenua, marginalising Ngātiwai voices. It risks bypassing key RMA provisions that recognise Māori relationships with ancestral lands and waters (s 6(e)), require regard to kaitiakitanga (s 7(a)), and oblige decision-makers to take into account Te Tiriti principles (s 8). Ngātiwai requires processes that enable partnership and participation, not unilateral decisions.

4.2 Mahinga Kai and Customary Practices

Dredging and sediment plumes may smother shellfish beds, alter benthic habitats, and disrupt fish spawning and migration pathways. These effects degrade mahinga kai and erode the ability of Ngātiwai to exercise customary rights and maintain intergenerational connections to place and practice.

4.3 Ngātiwai Commercial Fishing Interests (Quota Management System)

Seabed disturbance and increased turbidity can reduce fish stock abundance and alter species distribution, affecting quota species (e.g., snapper and other finfish). Reduced catch rates jeopardise economic returns that support iwi development and marae initiatives, and undermine Ngātiwai's expression of Treaty- based rights and kaitiakitanga responsibilities.

4.4 Taonga Species, Mauri, and Spiritual Values

The area supports taonga species including tara iti (New Zealand fairy tern), tuturiwhatu (New Zealand dotterel), and marine mammals. Industrial extraction compromises the mauri of Tangaroa and the spiritual balance upheld through tikanga and kaitiakitanga.

4.5 Cumulative Effects and Precedent of Harm

Long-term extraction (35 years) introduces cumulative and potentially irreversible effects on coastal processes, dunes, and benthic ecosystems. Previous sand mining proposals in other rohe have faced significant ecological and cultural concerns; lessons from those processes reinforce Ngātiwai opposition to offshore extraction in Bream Bay.

5. Legal and Policy Framework

Resource Management Act 1991 (RMA):

- Section 6(e): Recognise and protect Māori relationships with ancestral lands, water, wāhi tapu, and other taonga.
- Section 7(a): Have particular regard to kaitiakitanga.
- Section 8: Take into account Te Tiriti o Waitangi.

Fisheries Act 1996 (Quota Management System):

- Provides for sustainable utilisation of fisheries resources and recognises impacts on quota holders.

Ngātiwai Environment Management Plan (NEMP):

- Sets iwi-led expectations for protection of taonga, sustainable use, kaitiakitanga, and intergenerational equity.

6. Hapū and Community Response

Ngātiwai hapū and community members have mobilised to oppose offshore sand mining at Ruakākā, reflecting widespread concern for ecological integrity, cultural values, and future generations. Ngātiwai supports collective efforts to protect Bream Bay.

7. Recommendations and Relief Sought

Ngātiwai seeks the following outcomes:

- Decline the fast-track application by MBL for offshore sand mining at Ruakākā.
- If the application is not declined, establish a formal co-governance framework for marine resource management with Ngātiwai.
- Require independent cultural and ecological assessments (including underwater surveys and BACI design) before any activity proceeds.
- Identify and prioritise alternative, sustainable sources of construction aggregate (e.g., recycled materials) to avoid seabed extraction.

- Mandate comprehensive monitoring and transparent reporting, with Ngātiwai-led cultural monitors and adaptive management triggers.

7.1 Cultural Risk Matrix (NEMP- aligned)

Risk / Effect	Likelihood	Impact on Mauri/Values	NEMP Principle at Risk	Mitigation / Relief Sought
Sediment plumes smother shellfish beds	High	High	Kaitiakitanga; Taonga protection	Decline application; Cultural monitors; Avoidance
Benthic habitat destruction	High	High	Taonga protection; Sustainable use	Independent surveys; No- go areas; BACI monitoring
Disruption to quota species distribution	Medium	High	Intergenerational equity; Kaitiakitanga	Adaptive management triggers; Transparent catch monitoring
Coastal process alteration (erosion)	Medium	High	Sustainable use; Taonga protection	Cumulative effects assessment; Precautionary principle
Loss of spiritual connection (mauri degradation)	High	High	All NEMP principles	Decline; Cultural protocols; Access to decision-making

8. Economic Equity and Royalty Framework

Ngātiwai requires a minimum royalty of NZ\$1.50 per cubic metre. For the proposed volume (~8.45 million m³), this equates to approximately NZ\$12.675 million over the 35-year term. By comparison, the estimated market value of this sand ranges between NZ\$389 million and NZ\$541 million, using current market prices of NZ\$46–64 per cubic metre. This disparity highlights a major equity gap: the proposed royalty represents only ~2–3% of market value. Ngātiwai seeks a fairer economic arrangement that reflects Treaty principles of Partnership and Protection and supports iwi development (marae infrastructure, environmental restoration, cultural education).

9. Monitoring and Compliance Framework (Appendix)

9.1 Purpose and Principles

- Embed Te Tiriti principles of Partnership, Participation, and Protection.
- Ensure monitoring reflects NEMP and kaitiakitanga values with Ngātiwai-led oversight.

9.2 Pre-Dredging Cultural and Ecological Assessment

- Prepare a Pre-Dredging Assessment Report (PDAR) before extraction in any new area.
- Characterise sediment quality, benthic communities, shellfish beds, and cultural heritage sites.
- Consult Ngātiwai, agencies, and independent experts before approval to proceed.

9.3 Environmental Monitoring Management Plan (EMMP)

- Adopt a BACI (Before-After-Control-Impact) design for ecological monitoring.
- Undertake side-scan sonar and hydrographic surveys to detect seabed changes.
- Conduct biological monitoring of benthic communities and recovery times.
- Provide final monitoring reports within three months of activity completion.

9.4 Cultural Monitoring and Reporting

- Establish Ngātiwai-led cultural monitoring protocols and appoint cultural monitors on vessels and at shore.
- Form an iwi liaison group to oversee compliance, reporting, and adaptive management decisions.
- Ensure transparent communication of monitoring results to iwi and stakeholders.

9.5 Adaptive Management and Triggers

- Trigger full Environmental Impact Assessments after cumulative extraction milestones (e.g., 500,000 m³, 1,000,000 m³).
- Relocate operations immediately if taonga species or shellfish beds are encountered.
- Review and update monitoring plans annually in partnership with Ngātiwai.

10. Conclusion

In line with the Ngātiwai Environment Management Plan and Te Tiriti obligations, the proposed offshore sand mining at Ruakākā presents unacceptable cultural, ecological, and economic risks. The application should be declined. If decision-makers consider proceeding, minimum

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requirements include co-governance, independent assessments, comprehensive monitoring, adaptive management, and equitable economic returns — all developed in partnership with Ngātiwai.

Nga mihi

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