

**ENVIRONMENT COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**I MUA I TE KOOTI TAIAO O AOTEAROA
TE WHANGANUI-A-TARA**

ENV-2023-WLG-000005

Under the Resource Management Act 1991

In the matter of the direct referral of applications for resource consent and notices of requirement under sections 87G and 198E of the Act for the Ōtaki to North of Levin Project

By Waka Kotahi NZ Transport Agency

**PROJECT RESPONSE EVIDENCE OF SIOBHAN ALANA KARAITIANA ON
BEHALF OF MUAŪPOKO TRIBAL AUTHORITY**

TANGATA WHENUA CONDITIONS

Dated: 10 October 2023

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INTRODUCTION

1. My full name is Siobhan Alana Karaitiana.
2. I am a Kaupapa Taiao Specialist at Kāhu Environmental, a role I have held since March 2021. As a Kaupapa Taiao Specialist, my work involves supporting iwi to engage in planning for the delivery of infrastructure projects (including experience with urban development, roading, quarries, hydropower, resource recovery, three waters and recreation), co-developing and writing values-based assessments, supporting the development of iwi positions in Resource Management Act 1991 (**RMA**) processes and writing iwi environmental management plans. I also project manage iwi based environmental restoration, cultural monitoring and water quality intervention projects.
3. I am authorised to give this evidence on behalf of Muaūpoko Tribal Authority (**MTA**), the mandated organisation for the Muaūpoko Iwi, in relation to the application of Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**) for resource consents and Notices of Requirement for designations (**NoRs**) in respect of the Ōtaki to North of Levin Highway Project (**Ō2NL Project** or **Project**).
4. MTA is one of the Ō2NL Project Partners, having worked closely with Waka Kotahi and Ngā hapū o Raukawa on the development of the Project. I discuss my role supporting MTA in the project in my previous evidence submitted on 4 July 2023.
5. MTA has become a section 274 submitter under the RMA in order to secure effects management outcomes that the Cultural Impact Assessment (**CIA**) recommends but had not yet been adopted in full into the Project and consent conditions.
6. I was part of the team that prepared the Muaūpoko CIA on behalf of MTA and Lake Horowhenua Trust (**LHT**), which was included in Volume V of the Assessment of Assessment of Environmental Effects (**AEE**) and accompanied the application for resource consents and NoRs. As the principal author of the CIA, my role included:
 - (a) attendance at Kāhui Ārahi (a group which includes mātauranga advisors and hapū leaders), whānau and rangatahi engagement sessions;

- (b) collection and collation of Muaūpoko mātauranga, values, opinions on environmental management and aspirations;
- (c) development of an assessment framework and cultural impact assessment methodology;
- (d) development of effects mitigation strategies with Muaūpoko iwi leaders and key advisors;
- (e) reporting to MTA Board of Trustees and working with Lake Trustee members; and
- (f) engagement with the Project's technical specialists and designers to ensure effects on Muaūpoko values were being provided for in all aspects of the Project.

7. In preparing my evidence:

- (a) I have attended bi-weekly hui with Waka Kotahi to track how Ngā hapū o Raukawa feedback is being addressed in conditions;
- (b) my colleague, the MTA project manager, attended weekly RMA hui with Ngā hapū o Raukawa and Waka Kotahi. I received briefings and analysed minutes from these sessions;
- (c) I attended mediation between Waka Kotahi, Muaūpoko and some hapū of Ngāti Raukawa on 29 August 2023 to discuss issues relating to conditions and the iwi Cultural Environmental Design Framework (**CEDF**);
- (d) I progressed different condition wording with Waka Kotahi in attempt to resolve outstanding Muaūpoko submission points and address concerns raised by Ngā hapū o Raukawa; and
- (e) a full timeline of engagement has been provided in **Appendix 2**, that outlines the efforts taken to progress the conditions and CEDF material.

Qualifications and experience

8. I have the following qualifications and experience relevant to my evidence:

- (a) I have six years' experience working as a Kaupapa Taiao Specialist for iwi, including three years in a previous role as resource management

planner at Te Ao Tūroa Environmental Centre, the environmental arm of Rangitāne o Manawatū.

- (b) I hold a BSc (Hon) in ecology (2016) and a BSc (majoring in ecology with a minor in environmental science) (2014) from the School of Agriculture and Environment at Massey University.
- (c) I have undertaken cultural effects assessments and related planning implementation roles for Te Ahu a Turanga Manawatū-Tararua Highway Project, Gladstone Road realignment emergency works, Taitoko/Levin Drinking Water Scheme, Palmerston North Wastewater Scheme, Tara-Ika, Kākātangiata and Aokautere Urban Growth Areas, among others.
- (d) I am the author of Te Ao Tūroa Environmental Centre (**TATEC**) and MTA Environmental Management Plans that are in the process of being lodged with local councils. Iwi Management Plans have statutory influence under sections 61, 66 and 74 of the RMA, so that councils must take into account these plans when preparing or updating a regional policy statement, regional or district plan. The plans are also a matter councils must have regard to when making a decision on a resource consent under section 104 of the RMA.
- (e) As part of the Iwi Management Plan development processes I co-designed Te Mana o te Wai statements and Te Mana o te Wai objectives for MTA/LHT and TATEC that describe how land and water management should provide for Te Mana o te Wai in their respective locations (which is required by the National Policy Statement for Freshwater Management 2020 (**NPS-FM**) clause 3.2(3)).
- (f) I also supported MTA/LHT and TATEC to develop their positions on other aspects of the NPS-FM including the delineation of local Freshwater Management Units, their long-term vision for their most important waterbodies (being Punahau/Lake Horowhenua and the Manawatū Awa respectively), whether they believe their most important waterbodies (or sections within) meet thresholds for designation as Outstanding Waterbodies using cultural and spiritual criteria, their views on local Environmental Values and associated Environmental Outcomes, and a Freshwater Management Allocation Framework that gives effect to their understanding of Te Mana o te Wai.

- (g) I have reviewed numerous consent applications on behalf of TATEC and MTA, some of these include Te Ahu a Turanga Manawatū-Tararua Highway Project, Gladstone Road realignment emergency works, Kiwirail's new Te Whanganui-a-Tara/Wellington ferry terminal, Kiwirail's Palmerston North Freight hub Notice of Requirement, Taitoko/Levin's short-term stormwater discharge to Punahau/Lake Horowhenua, Foxton Beach township's stormwater discharge to the Manawatū Estuary, Taitoko/Levin drinking water take from the Ohau River, groundwater takes to supply Woodhaven gardens horticultural operations, groundwater takes to supply the Ohau Wines grape growing operation, HiRock Limited Te Mātai Quarry expansion, HiRock Limited Linton Quarry expansion and Hoult Contractors new Manawatū Riverside Quarry, among others.

Code of conduct

9. I confirm that I have read the Code of Conduct for expert witnesses contained in section 9 of the Environment Court Practice Note 2023. This evidence has been prepared in compliance with that Code. In particular, unless I state otherwise, this evidence is within my area of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.¹

Purpose and scope of the evidence

10. The CIA describes the values MTA and LHT hold with the environment, and identifies and assesses the magnitude of effects the Project has on those values, and recommends actions for managing any adverse effects. My evidence does not repeat the matters discussed in the CIA or previous project evidence. Rather, this evidence discusses the development of conditions since the MTA lodged their submission including:
- (i) MTA's submission and how it has been responded to; and
 - (ii) a copy of MTA preferred conditions (**Appendix A**).

¹ I note that my marital whānau and tamariki have whakapapa connections to Ngāti Hamua (Rangitāne ki Wairarapa). Rangitāne and Muaūpoko share many connections which stretch back to the migration of the Kurahaupō Waka to Aotearoa. I have disclosed this relationship to MTA and LHT, and I confirm that this does not affect the evidence that I am providing.

MTA'S SUBMISSION

11. The MTA submission identified concerns around the accuracy and intent of the historical narrative and statements put forward about Muaūpoko (and Kurahaupō affiliated groups such as Rangitāne and Ngāti Apa) by Ngā hapū o Raukawa². The submission summarises the contested statements and includes excerpts from Waitangi Tribunal inquiry evidence findings from the Horowhenua Muaūpoko Priority Report that challenges the statements made by those hapū groups³.
12. The submission also identifies that as a result of Muaūpoko not directly participating in other sections of highway projects within their traditional rohe (for example Mackays to Peka Peka, Peka Peka to Ōtaki and Transmission Gully) and challenges with the Project partnership, they are concerned that there is a risk that the ongoing role of Muaūpoko in the Project will be eroded⁴. The iwi seek certainty that their role as tangata whenua, and management of effects on cultural values in the Project, is secured through conditions and the CEDF. This is discussed further in the evidence of Mrs Di Rump and Mr Dean Wilson.
13. MTA therefore sought the following in their submission⁵:
 - (a) Maintenance of the condition set lodged with the Project.
 - (b) Inclusion of Muaūpoko material in the CEDF including identification of the Muaūpoko cultural landscape, sites of significance to Muaūpoko and how the Project will respond to these through design and mahi toi.
 - (c) A description of Muaūpoko role in assessing the CEDF.
 - (d) Recognition of the importance of Muaūpoko tikanga in the Horowhenua Block, the contemporary heartland of Muaūpoko.
 - (e) Recognition of the importance of Muaūpoko tikanga with regards to early (pre-1820s) archaeology.
 - (f) The development of a forum or process that provides for Muaūpoko equality in representation and decision making.

² Page 9 paragraph 1 of the Muaūpoko submission on the Project.

³ Page 10 and 11 of the Muaūpoko submission on the Project.

⁴ Page 16 paragraph 3 of the Muaūpoko submission on the Project.

⁵ Page 19 of the Muaūpoko submission on the Project.

- (g) Protection of Muaūpoko going forward from the development of inappropriate narrative.

RESPONDING TO THE MTA SUBMISSION

14. In my previous evidence, dated 4 July 2023, I made suggestions on how the requests contained in MTA submission can be provided for by the Project including in conditions⁶. The following sections look at how matters have been addressed and the outstanding issues.
15. I have been working with Waka Kotahi for the past six months on the tangata whenua conditions set which includes progression of different wording to both address MTA submission and respond to Ngā hapū o Raukawa concerns. However, the process has been made complicated by the late delivery of another round of feedback from some Raukawa hapū. The proposed changes were extensive and I have been waiting for advice from Waka Kotahi on how it will be responded to.
16. Waka Kotahi circulated feedback on the broad set of Ngā hapū o Raukawa proposed changes on 15 September 2023, and have been in the process of redeveloping conditions in order to address Ngā hapū o Raukawa requests. This updated version was circulated late on 5 October 2023, three working days prior to filing this evidence and I have therefore had limited time to consider the consequences of the changes. I do however feel comfortable they cover matters of importance to MTA. The working draft circulated is attached in **Appendix A** with track changes to outline final residual wording.

The CEDF and condition DTW5

17. A CEDF should set out the baseline cultural and environmental landscape in a project area, and include a series of design principles to describe the way in which the development should respond to the unique cultural and environmental conditions. The concept of a CEDF in part is to recognise that cultural landscapes are intrinsic parts of the environment and traditional ways of assessing the environment need to be recognised. The Project's CEDF replaces the traditional Urban and Landscape Design Framework the agency

Statement of Evidence of Siobhan Alana Karaitiana on Behalf of Muaūpoko Tribal Authority in support of the application by Waka Kotahi New Zealand Transport Agency. Points 54-76.

traditionally used, which also includes a description of Māori history, heritage and significant sites which was and remains best practice⁷.

18. The Ō2NL Project's CEDF is a living document, with the current version lodged with the Project's application documents for designation and resource consents in October 2022. The CEDF is to be developed in conjunction with the Project Alliance through detailed design and condition **DTW5** requires that the Project must ultimately be consistent with the design principles in Chapter 3 and will be audited against Chapter 4 of the consent version CEDF.
19. I remain concerned that cultural information about who each iwi are and recognition of their significant sites across the cultural landscape are not yet included in the CEDF. Because the CEDF (in its current state) does not include Muaūpoko information, effects on Muaūpoko values and relationships does not currently need to be considered during detailed design, construction or auditing (directed by **DTW5**).
20. Information in **Appendix 2** outlines the process that has been undertaken to work with Ngā hapū o Raukawa to address concerns they have with Muaūpoko text. Various versions of the CEDF information have been progressed to ensure that each iwi's sections cover similar kaupapa, are similar in length and are respectful to each other. However no progress has been made on understanding the specific issues Ngā hapū o Raukawa have with the Muaūpoko text. I understand a range of Ngāti Raukawa hapū groups do not hold concerns however the information is yet to be inserted due to objections from some.
21. Iwi information must be included in the CEDF, alternatively a timebound condition should be developed that requires Waka Kotahi to invite both iwi partners to insert their cultural landscape material, significant sites and associated design response information.
22. In my previous evidence I recommend MTA be invited to participate in the Design Review Audit process which would respond to MTA submission. Wording has been included to this effect in the attached conditions DTW5d where "A Design Review Audit must be completed in collaboration with the

⁷ Example of a traditional Urban and Landscape Design Framework for the East West Link Project 2016
<https://www.nzta.govt.nz/assets/projects/east-west-link-application-to-the-environmental-protection-authority-epa/Urban-and-Landscape-Design-Framework.pdf>

Project Iwi Partners” which I am satisfied addressed MTA submission request.

Project Iwi Partner Steering Group condition DTW1A

23. A Project Iwi Partner Steering Group condition was requested in the MTA submission and has been drafted with my input. The condition sets out:
- (a) the purpose of the group which I have helped to refine;
 - (b) its membership that will be developed through management plans and partnership agreements;
 - (c) the duration and frequency of hui;
 - (d) how the hui will be chaired; and
 - (e) what meeting protocols are important which I have helped to identify
24. I am reasonably comfortable (having only had a limited time to review condition wording) the condition achieves the intent of what MTA requests in its submission. MTA has agreed that it is comfortable that membership of the group will be set out through a partnership type process.

Conditions DTW1 and DTW2

25. Upon completion of the Muaūpoko CIA, I worked with Waka Kotahi to set out all the effects management requested and outlined in the CIA. A large suite of proposed management included best practice environmental management approaches that are incorporated in the Construction Management Plan and Ecological Management Plans.
26. Through this process, Iwi partner protocols and tangata whenua oversight were developed as new conditions to address these recommendations in the Muaūpoko CIA.
27. I am reasonably comfortable (having had limited time to review condition wording) that **DTW1 and DTW2** (as attached in **Appendix A** which is a working draft circulated by Waka Kotahi) sets out the intent of the management mechanism and any further detail required can be set out through management plans and directed by the Project Partner Steering Group.

Muaūpoko Management Plan Schedule Objective

28. MTA has also requested recognition of the importance of their role in the Horowhenua Block in its submission. In the CIA the Horowhenua Block is described as the contemporary heartland of the iwi⁸. This has been resolved as recommended in my evidence (dated 4 July 2023) through broadening the objective of the Muaūpoko Management Plan objective as follows:

The objective of the Muaūpoko Management Plan is to manage the adverse effects of the construction and operation of the Ō2NL Project on the cultural values of Muaūpoko, with particular focus on their management in the Horowhenua Block which to Muaūpoko is their contemporary heartland.

29. I am therefore satisfied this submission point where MTA requested recognition of its special relationship with the Horowhenua Block has been addressed.

Muaūpoko Management Plan condition DTW3 and Schedule 3 Clauses G and H

30. Kāhui Ārahi is the group of Muaūpoko mātauranga experts who come together to provide their knowledge and expertise for use in projects such as Ō2NL. On this Project, strong themes came through from the group which has shaped the identification of cultural effects, and emphasised the importance of specific sites and values that should be celebrated by the Project. The sites of significance and species connections Muaūpoko would like to see celebrated are part of the cultural landscape and the recognition and celebration of them is an effects management measure. The values associated with these sites and species are detailed within the evidence of Mr Dean Wilson.
31. The version of tangata whenua conditions circulated by Waka Kotahi on 5 October (attached in **Appendix A**) includes the values associated with these sites and species (in clauses (g) and (h)) and provides direction on project responses (through additions of clauses DTW3c). However, I asked Waka Kotahi if they would lodge this version if Ngāti hapū o Raukawa renewed their opposed to Muaūpoko wording requests. Waka Kotahi could not confirm with me if the version as written on 5 October would be lodged by the Project.

⁸ Section 1.5 of the Muaūpoko CIA

Therefore I remain concerned about this aspect of the tangata whenua conditions set.

32. Waka Kotahi advised it understands the recognition of Muaūpoko sites could cause consequential cultural effects that might be unacceptable to Ngā hapū o Raukawa and it is not known how those effects might be mitigated, or if they could be mitigated within the scope of the current applications (as per correspondence from Waka Kotahi 15 September 2023). However Waka Kotahi and Ngā hapū o Raukawa have not been able to formally advise exactly what these consequential negative effects may be.
33. I do however understand that the issue at play may be that of 'mana'. Where some hapū of Raukawa oppose identification of Muaūpoko history in the CEDF and celebration of significant sites and species due to their position on the historical 'conquest' of Ngāti Toa and consequential settlement of Raukawa in the region in the 1820s-1830s. I however note that no formal written response exists and thus this issue remains undefined.
34. MTA does not accept this narrative and position put forward by some Ngāti Raukawa hapū. Mrs Di Rump details this objection and associated reasoning in her evidence.
35. As a Kaupapa taiao practitioner, my role is to support Māori to detail their relationships with their culture and traditions, their ancestral lands, waters, sites, wāhi tapu and other taonga which I have supported Muaūpoko to do through the CIA process. These are matters that are required to be recognised and provided for in section 6(e) of the RMA.
36. It is my opinion that Muaūpoko people have strong relationships with their ancestral lands, sites and species outlined which will be negatively impacted by the Ō2NL Project. It is also my opinion that mitigation is required and it would not be appropriate for these relationships to remain unmanaged due to views from some hapū representatives of Ngā hapū o Raukawa on Muaūpoko mana. I do not believe that, given the focus of the conditions on mitigation, that the mitigation of effects on Muaūpoko culture and connections will diminish the relationship of Ngāti Raukawa hapū with their ancestral lands, waters, sites and taonga in any way, it will also not negatively impact their culture or traditions.
37. In order to accurately reflect the outcomes of the Kāhui Ārahi sessions and appropriately capture the importance of those sites and values, I maintain my

recommendation that those values and Project responses be recorded in Schedule 3 where clauses (g) and (h) are expanded upon. I also recommend addition to the wording of condition DTW3 as written in **Appendix A** to provide sufficient certainty that the outcomes as intended by Kāhui Ārahi will be achieved.

38. Additionally, Waka Kotahi has provided advice that some expanded definitions under clause (h) may require land owner or third party permission. In response I have adjusted my preferred text in to this which is also identified in **Appendix A**.

Archaeology

39. The Muaūpoko CIA describes the ongoing and ancient connection that Muaūpoko have with the early tangata whenua peoples. The MTA submission seeks amendments to the Archaeological Discovery Protocol to better recognise the importance of Muaūpoko preferences for management of this early archaeology of Muaūpoko origin if discovered.
40. Because the Archaeological Discovery Protocol only provides for stop work provisions in response to an archaeological find, and any find must subsequently be managed under an archaeological authority from Pouhere Taonga, Heritage New Zealand, I did not recommend any amendments to the Archaeology Discovery Protocol condition and thus no changes have been made. Notification to MTA is provided for as a Project Iwi Partner and therefore the knowledge they hold with regards to their ancient wāhi tapu and traditional use of the landscape will be taken into account.
41. I do however continue to encourage Waka Kotahi to have particular regard to the ancient connections the Muaūpoko CIA has outlined through the Pouhere Taonga archaeology authority application and subsequent management process of any finds.

CONCLUSION

42. The tangata whenua conditions set circulated on 5 October 2023 (**Appendix A**) resolve MTA submission points, provided MTA is invited to insert Muaūpoko information into the CEDF. However I am not sure if this is the same conditions set that is lodged by Waka Kotahi.

Siobhan Alana Karaitiana

10 October 2023

**APPENDIX 1 TANGATA WHENUA CONDITIONS AS CIRCULATED ON 5
OCTOBER 2023**

Condition Number	Condition
Tangata Whenua Values	
DTW1A	<p>Iwi Partner Steering Group</p> <p>a) The requiring authority must invite the Project Iwi Partners to establish an Iwi Partner Steering Group within sixty (60) working days of appointing the construction team (or teams) that will progress the design and construction of the Project.</p> <p>b) The membership of the Iwi Partner Steering Group, where established under clause (a), must include the requiring authority and representatives of the Project Iwi Partners.</p> <p>c) Where established under clause (a), the Iwi Partner Steering Group:</p> <ol style="list-style-type: none"> i. must be scheduled to meet at least every three (3) months from the time the Iwi Partner Steering Group and for at least twelve (12) months following the road being open for public use; ii. may be discontinued earlier, or meet more or less frequently at the agreement of membership of the Iwi Partner Steering Group; iii. all meetings held under clause (c), must be chaired by a chairperson selected from the membership for a term of no more than twelve (12) months and conducted in accordance with meeting protocols that include the requirement for: <ol style="list-style-type: none"> A. a pre-circulated agenda to provide for: <ol style="list-style-type: none"> 1. reporting from kaimahi undertaking the activities directed through these Conditions and associated management plans; 2. identification of matters to be considered or addressed by the requiring authority; and B. a post-circulated written record. <p>d) The purpose of the Iwi Partner Steering Group includes, but is not limited:</p> <ol style="list-style-type: none"> i. facilitating ongoing collaboration and engagement with Project Iwi Partners in respect of the activities authorised by the designations; ii. providing direction, guidance and advice in respect of: <ol style="list-style-type: none"> A. tikanga and kawa to be applied to the Project; B. the protocols for communications, collaboration and engagement with Project Iwi Partners, including a process for the resolution of disputes or disagreements. C. coordinating the Iwi Partner engagement activities set out in the following conditions: <ol style="list-style-type: none"> 1. the development of and revision of the outline plan, or plans, required by Condition DGA6 and DGA7; 2. Condition DCM1 Construction Environmental Management Plan; 3. Condition DTW1 Project Iwi Partner Protocols; 4. Condition DTW3 Muaūpoko Management Plan; 5. Condition DTW4 Ngāti Raukawa ki te Tonga Management Plan; 6. Condition DTW5 Cultural and Environmental Design Framework; and 7. Condition DAH1 Archaeology discovery protocol.
DTW1	<p>Project Iwi Partner Protocols</p> <p>a) The requiring authority must invite the Project Iwi Partners:</p> <ol style="list-style-type: none"> i. lead Karakia before: <ol style="list-style-type: none"> A. the commencement of construction activities; and B. the Project being open for public use. ii. implement cultural protocols that are identified in the management plans required by Conditions DTW3 and DTW4.
DTW2	<p>Iwi Partner oversight</p> <p>a) Where established under Condition DTW1(a), the requiring authority must invite members of the Iwi Partners Steering Group, or their nominated representatives, to a site visit at least monthly during construction activities.</p> <p>b) The purpose of the site visit is to provide oversight of construction activities and progress across the whole of the Project.</p> <p>c) The invitation required by clause (a) must:</p> <ol style="list-style-type: none"> i. be made with a minimum of ten (10) working days' notice; ii. describe the locations or construction activities to be visited; and iii. provide the opportunity for the Iwi Partners Steering Group member, or their representatives, to request that the site visit include additional locations or construction activities.

	<p>d) In addition to the site visits required by clause (a), the Iwi Partner Steering Group may make a request to visit locations or construction activities.</p> <p>e) Where a request is made under clause (d), the requiring authority must, where practicable, accommodate that request within ten (10) working days.</p> <p>f) Condition DTW2 is complied with where the requirements of clause (c) are met and the site visit is not undertaken.</p>
DTW3	<p>Muaūpoko Management Plan</p> <p>a) Prior to the commencement of construction activities, a Muaūpoko Management Plan or Plans must be prepared to achieve the objectives, and include the content, set out in Schedule 3 to these conditions where the methods to integrate Muaūpoko narrative and cultural connections with the Project required clauses (g) and (h) of Schedule 3:</p> <ol style="list-style-type: none"> i. must be undertaken within the cultural landscape of that specific significant site or value; ii. investigate and support the implementation of built elements, identification of traditional names, indigenous planting and Muaūpoko story. <p>b) The requiring authority must invite Muaūpoko Tribal Authority to endorse a person or persons to prepare the Muaūpoko Management Plan or Plans required by clause (a).</p>
DTW4	<p>Ngāti Raukawa ki te Tonga Management Plan</p> <p>a) Prior to the commencement of construction activities, a Ngāti Raukawa ki te Tonga Management Plan or Plans must be prepared to achieve the objectives, and include the content, set out in Schedule 4 to these conditions.</p> <p>b) The requiring authority must invite the Hāpu of Ngāti Raukawa ki te Tonga to together endorse a person or persons to prepare the Ngāti Raukawa ki te Tonga Management Plan or Plans required by clause (a).</p>
DTW5	<p>Cultural and Environmental Design Framework</p> <p>a) The Project must be consistent with the Design Principles in Chapter 3 of the '<i>Cultural and Environmental Design Framework</i>', Consent Version, dated October 2022.</p> <p>b) Design Review Audits, set out in Chapter 4 of the '<i>Cultural Environmental Design Framework</i>', to confirm that the Project is consistent with the Design Principles must be undertaken:</p> <ol style="list-style-type: none"> i. at least three (3) months prior to the outline plan being submitted to Council as set out in Condition DGA6; and ii. every three (3) months until the Project is open for public use. <p>c) Design Review Audits required by clause (b) may describe design elements of the Project with reference to, but not limited to, Chapter 4 of '<i>the Cultural and Environmental Design Framework</i>', Consent Version, dated October 2022.</p> <p>d) Design Review Audits must be completed in collaboration with the Project Iwi Partners.</p> <p>e) In addition to the requirement to include a Design Review Audit as part of the outline plan set out in Condition DGA6, the subsequent Design Review Audits required by clause (b) must be provided to the District Council.</p> <p>f) Prior to the initial Design Review Audit required by clause (b), Chapter 2.2 Muaūpoko must be invited to insert their information into the Tāngata/Cultural Landscape of the '<i>Cultural Environmental Design Framework</i>' must be completed and the revised '<i>Cultural Environmental Design Framework</i>', including Chapter 2.2, provided to the District Council.</p>
Archaeology	
DAH1	<p>Archaeology discovery protocol</p> <p>a) In the event that construction activities result in the discovery or disturbance of an archaeological site, kōiwi tangata, wāhi tapu or wāhi taonga, the requiring authority must cease construction activities in the immediate vicinity of the discovery or disturbance and inform:</p> <ol style="list-style-type: none"> i. the Project Iwi Partners; ii. Heritage New Zealand Pouhere Taonga; iii. the District Council; and iv. in the event of kōiwi tangata being discovered, the New Zealand Police. <p>b) Construction activities in the immediate vicinity of the discovery or disturbance must be suspended until:</p> <ol style="list-style-type: none"> i. the measures set out in the Waka Kotahi NZ Transport Agency '<i>Minimum Standard P45 Accidental Archaeological Discovery Specification</i>' (August 2018) are put in place; and ii. Project Iwi Partners have advised that the discovery or disturbance is not of an archaeological site, kōiwi tangata, wāhi tapu or wāhi taonga or work can otherwise recommence; and iii. the District Council has advised that work can recommence because the discovery or disturbance is not of an archaeological site, kōiwi tangata, wāhi tapu or wāhi taonga; and

	<ul style="list-style-type: none"> iv. the requiring authority advises the Project Iwi Partners and District Council in writing that an archaeology authority is not required by the Heritage New Zealand Pouhere Taonga Act 2104; or v. an archaeology authority under the Heritage New Zealand Pouhere Taonga Act 2014 has been obtained. <p>c) Clauses (a) and (b) do not apply, and are superseded, where the works are subject to an archaeological authority granted under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014.</p>
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Objective	Related Conditions / Standards	Minimum Content
<p>The objective of the Muaūpoko Management Plan is to manage the adverse effects of the construction and operation of the Ō2NL Project on the cultural values of Muaūpoko with particular focus on their management in the Horowhenua Block, which to Muaūpoko is now their heartland.</p>	<p>DTW3</p>	<p>The Muaūpoko Management Plan must include (but not be limited to):</p> <ul style="list-style-type: none"> a) cultural protocols and procedures for cultural inductions; b) a description of specific monitoring activities to be undertaken, including: <ul style="list-style-type: none"> i. pre-construction survey and monitoring of taonga species and translocation; ii. earthworks oversight; iii. stream diversions; and iv. stream and terrestrial mitigation, offset and compensation areas (including site selection and ongoing involvement); c) confirmation of the roles and responsibilities of personnel in respect of all clauses listed in this management plan. d) details of a 'Cultural Health Monitoring Framework'; e) approaches to the collection, harvesting and reuse of taonga vegetation, including the removal of dead fauna; f) a kaitiakitanga plan to scope opportunities for participation in seed collection, planting, pest control, fencing and other kaitiakitanga opportunities; g) the integration of Muaūpoko narrative and cultural connections to provide for the following wāhi tapu and values: <ul style="list-style-type: none"> i. Muaūpoko spiritual pathway (Arapaepae), wai mārie and associated values; ii. Whakahoro, including Muaūpoko early history and values associated with tree forts; iii. Ohau naming by Haunui, wai Māori values though bridge design and implementation of the shared path; iv. Pukehou and its interlinked mana with Muaūpoko; and v. connections ki uta ki tai; h) the integration of Muaūpoko narrative and cultural connections with the following species: <ul style="list-style-type: none"> i. Ngata; ii. Ngārara, including through the creation of the Lizard Relocation Area required by Condition REM10; and iii. Raupō and harakeke; i) The design of any proposed work under clauses (g) and (h) is to be developed in consultation with the Project Iwi Partners, including a description of this consultation including the outcomes of that consultation; j) identification of opportunities for future access to provide for the ability for project iwi partners to sustainably harvest resources from their maunga and traditional harvesting grounds; k) a requirement for sharing of information on the location of any Puna are encountered as part of the construction activities; l) any other matters or measures to avoid or mitigate potential impacts on Muaūpoko values, customs and practices; and m) communications protocols and whānau engagement strategy.

APPENDIX 2 TIMELINE OF EVENTS FOLLOWING FEBRUARY MTA SUBMISSION

Early 2021

- MTA and Te Rūnanga o Raukawa co-develop CEDF principles and values

Mid 2021

- Raukawa change from Rūnanga to hapū model

Late 2021

- Waka Kotahi and MTA spend time immersing hapū representatives in the Project and CEDF

Early 2022

- Technical assessments and Muaūpoko CIA process underway
- Waka Kotahi request CEDF information from iwi partners

June 2022

- Muaūpoko CEDF information circulated to Waka Kotahi and Ngā hapū o Raukawa
- Muaūpoko information appears in the working version of the CEDF
- No response from hapū representatives to Muaūpoko information

October 2022

- Ngā hapū o Raukawa object to inclusion of Muaūpoko information

November 2022

- Waka Kotahi lodge the Project and CEDF excluding Muaūpoko information with MTA agreement.
- MTA advise Muaūpoko information needs to be reinserted into the CEDF

February 2023

- MTA lodge submission with request to amend conditions and reinsert Muaūpoko CEDF information.

May 2023

- Waka Kotahi reinstate weekly hui with MTA and Raukawa hapū to discuss conditions and CEDF
- MTA send correspondence to parties requesting statement of position on Muaūpoko submission points with no response.

June 2023

- Ongoing weekly hui with all parties
- Waka Kotahi propose reinstating CEDF narrative. Updated text is circulated.
- Ngā hapū o Raukawa correspondence: preference is to not include CEDF narrative text until later phase.
- Ngā hapū o Raukawa propose conditions changes in hui
- Waka Kotahi circulates updated conditions
- MTA correspondence: supportive of progress but that the concerns raised in the Muaūpoko submission are not resolved.
- Project evidence submitted.

July 2023

- Ongoing weekly hui with all parties.
- Ngā hapū o Raukawa propose new condition changes in hui
- Waka Kotahi circulate updated conditions to parties
- MTA confirm support for conditions generally but require certainty regarding mitigation of effects on cultural sites and species, and inclusion of CEDF information.

August 2023

- Waka Kotahi correspondence to Ngā hapū o Raukawa about conditions.

- MTA correspondence raising concerns that there has been no progress in addressing CEDF narrative inclusion and certainty for cultural mitigation.
- No formal response on matters of importance to MTA from Ngā hapū o Raukawa. Waka Kotahi aware of 'issues' but not the nature of the issues.
- A 'suite of conditions' are proposed by Ngā hapū o Raukawa including significant changes to the Tangata Whenua conditions. Waka Kotahi requested not to share this with MTA.
- MTA excluded from regular RMA hui so that Waka Kotahi can focus on proposed conditions from Ngā hapū o Raukawa.
- MTA attend mediation with Waka Kotahi and Ngā hapū o Raukawa. No progress made on issues of importance to MTA.

September 2023

- Ngā hapū o Raukawa send 'suite of conditions' to MTA
- No formal response on matters of importance to MTA from Ngā hapū o Raukawa
- Waka Kotahi circulate feedback on Ngā hapū o Raukawa 'suite of conditions' and issues of importance to MTA
- MTA advise they will await a new version of conditions from Waka Kotahi

October 2023

- Updated conditions set circulated by Waka Kotahi
- MTA confirm general support for conditions but unclear if Waka Kotahi intend to lodge conditions that include mitigation requirements for sites of significance to Muaūpoko and invite Muaūpoko to insert CEDF information if they receive further opposition from Ngā hapū o Raukawa.
- Project response evidence lodged.