

**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 DIANNE RITA RUMP
ON BEHALF OF MUAŪPOKO TRIBAL AUTHORITY**

CULTURAL MITIGATION AND MUAŪPOKO CEDF INFORMATION

Dated: 10 October 2023

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INTRODUCTION

1. Tēnā koutou.
2. Ko Dianne Rita Rump tōku ingoa. My full name is Dianne Rita Rump.

Ko Kurahaupo te Waka

Ko Tararua nga pae Maunga

Ngā Uri o Ngāi Tara o te Mua Ūpoko o te Ika

Ko Ngāti Hine te Hapū

Ko Kawiu te Marae

Ko Punahau te moana

Ko Hokioi te Awa

Ko Muaūpoko te iwi
3. As discussed in my evidence dated 3 July 2023, I am He Kura Hokioi (Chief Executive) of Muaūpoko Tribal Authority (**MTA**), the mandated organisation for Muaūpoko Iwi. I have held this role since 21 January 2016.
4. I am authorised to give this evidence on behalf of MTA 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**).
5. MTA is a mandated iwi organisation, representing Muaūpoko as a Te Tiriti o Waitangi partner. Separate, and secondary, to that role, MTA is an Ō2NL Project Partner. And finally MTA is a section 274 submitter in order to protect our interests through the RMA process and provide for our rangatiratanga in our own right.
6. As a Project Partner, MTA has worked closely with Waka Kotahi and Ngāti Raukawa ki te Tonga on the Project's development, which is discussed in detail in my previous evidence submitted on July 4th 2023. MTA acknowledges both Te Tiriti partnership it has with Waka Kotahi and the Project partnership it has with the Ō2NL Project team.

7. We became a section 274 submitter under the RMA in order to secure effects management outcomes that our CIA recommends and had not yet been adopted into the project and consent conditions in full.
8. This follow up set of evidence provides:
 - a) reanalysis of Muaūpoko/MTA's exclusion from past projects in our historic area of interest which contextualizes our people's expectations and imperative for certainty to ensure appropriate recognition of Muaūpoko in Ō2NL.
 - b) a discussion about the importance of having Muaūpoko recognised in the CEDF
 - c) the need for cultural mitigation regarding four significant sites and a number of species; the importance to Muaūpoko people and their expectations.
9. I Have read and rely on the evidence of **Mr Dean Wilson** and **Mrs Siobhan Karaitiana** who discuss the mātauranga associated with our significant sites and species; and appropriate conditions responses respectively.
10. Although I am not giving this evidence in an expert capacity, I have the following qualifications and experience relevant to my evidence:
 - a) Eight Years in the role of CEO for Muaūpoko Tribal Authority Incorporated
 - b) Member of NZ Institute of Directors
 - c) I am an advisor to the Post Settlement Governance Entity – for Tapuika Iwi
 - d) I hold a range of leadership, governance, and advisory positions on numerous Māori Iwi and Non-Māori Boards and Alliances such as Mid Central Iwi Māori Partnership Board, Greater Wellington Leadership Forum, Manawatū River Accord, Te Whatu Ora Horowhenua Takiwā Prototype, Horowhenua Freshwater Management Unit Governance Group, MBIE Regional Skills Leadership Forum and others.
 - e) I hold a Master of Māori and Indigenous Leadership from the University of Canterbury.

11. I hold professional fellowship and alumni status in Banking and Finance sector associations and hold other sector related qualifications.
12. I do not repeat the matters discussed in my original evidence which includes a background of who MTA are, our responsibilities, strategic goals, and governance structure, how we have shaped the design and the development of the CIA. Going forward I treat this information as read and understood.

Exclusion of Muaūpoko/MTA from past projects

13. Muaūpoko has a wide area of interest and a traditional rohe that extends from the Rangitīkei River to Turakirae (Cape Palliser) in Te Whanganui-a-Tara (Wellington Harbour).¹ Although, in current times, the Horowhenua block is known as the contemporary 'heartland' of Muaūpoko², we retain a deep historical and cultural connection with our traditional rohe.
14. Despite this deep connection, Muaūpoko and MTA have been excluded from considerable development both within and traversing this rohe. This includes various Crown roading projects such as Transmission Gully, Peka Peka to Ōtaki, and Mackays to Peka Peka. MTA were not able to partner in the developments. Specifically - we had no opportunity to develop cultural recognition and expression in those projects, leaving our historical 1000-year relationship with the whenua, our connections with significant sites and waterways, and our relationship with archaeological materials, and our status as tangata whenua, substantively unacknowledged.
15. These previous exclusions have caused significant disadvantage, participation inequity in accessing benefits available to other partners and participants, and hurt for our people, and this does not accord with the partnership obligations that we consider to be a cornerstone of our Te Tiriti relationship with the Crown, and by extension Waka Kotahi.
16. Nevertheless, putting that to one side, we entered project partnership on the Ō2NL Project and are committed to being the best project partners we can be in order to deliver the Project and its benefits, which include resilience and safety for our community and all who travel on the expressway.

¹ See Figure 1 on page 8 of the CIA.

² Page 11 of the CIA.

17. The last time the Crown cut across our whenua to this degree of significance and scale was in 1886 when Muaūpoko agreed as one of the final – if not *the* final – landowners along the rail corridor, to provide their land for the new Crown railway line which would connect the lower North Island - in order to bring benefits and prosperity to new settlers and Muaūpoko. This was associated with the development of Levin township, including the name of the town to be 'Taitoko' in recognition that 100% of the land provided for the new township was Muaūpoko and included other agreements to provide for our people. The agreement was drafted with the Crown and agreed through documented hui - and not ever honoured. While this is the subject of a Treaty claim – it also speaks to the imperative MTA faces from Muaūpoko people in relation to being very clear and specific regarding cultural effects and conditions.
18. The above background and the Ō2NL Project route through our contemporary heartland is of the utmost and critical importance to our people and means MTA's role as project partner on Ō2NL carries an even greater need to ensure our 1000 year connection and cultural effects are clearly in place and we have the opportunity to contribute to the development and operation of this mahi in a meaningful way – as leaders in our heartlands and as partners.

Exclusion of Muaūpoko information from the Cultural and Environmental Design Framework (CEDF)

19. Following the formal project partnership launch, in October - November 2020 we commenced development of the draft CEDF in collaboration with the Waka Kotahi Ō2NL Project team and representatives of Te Rūnanga o Raukawa.³ Initially, the kaupapa was jointly led by MTA and Te Rūnanga o Raukawa to develop the projects Core Principles⁴.
20. The Core Principles of the CEDF, which we developed together with Lindsay Poutama, the then-CEO of Te Rūnanga o Raukawa and now the representative of Ngāti Tukorehe hapū, are contained in my previous evidence, paragraphs 35-38.
21. Over a period in mid-2021, Ngāti Raukawa changed their model of engagement (as is their right) with the project to a hapū representation

³ *Ngāti Raukawa's involvement in the O2NL Project has at times been through their representative body (Te Runanga) and at times through other iwi and/or hapu representatives*

⁴ These are set out on page 7 of the CEDF "consent version" lodged with the project on November 1st 2022

engagement model. There are now ten hapū represented on the project and ten kaimahi that attend regular operational project hui.

22. This required MTA and Waka Kotahi, over the next 6 months, working with the hapū representatives to get them up to speed on the project and CEDF development.
23. In 2022, in line with the Ō2NL project timeline for all partners, the Muaūpoko CIA and other technical assessments were under development. Each of the technical experts (ecologists, social, noise, designers etc) were asked to contribute to the CEDF. During this time, each iwi partner was asked by Waka Kotahi to input background information into the CEDF about their iwi are, their values and relationships with the Ō2NL landscape. MTA provided their contribution progressively through the regular operational project team hui (all three partners attending and sometimes additional specialists). The written information to the project team was delivered in July 2022. Which included:
 - a) A brief description of key Muaūpoko ancestors;
 - b) How Muaūpoko came to be in the Horowhenua;
 - c) Sites of significance to Muaūpoko the project interacts with.
 - d) Suggestions on how the design could respond to Muaūpoko information⁵
24. This information was initially accepted by Waka Kotahi into the CEDF and there was no feedback from Ngā hapū o Raukawa until two weeks out from project lodgement in October 2022. It was put forward to us by Waka Kotahi that Ngā hapū o Raukawa had general concerns about the Muaūpoko text, the concerns were not specific. Thus, in order to be good partners and ensure the project lodgement was not delayed we agreed to remove Muaūpoko information from the CEDF in the meantime with the advice that it will need to be reinserted.
25. Mrs **Siobhan Karaitiana** sets out a timeline of MTAs engagement with Waka Kotahi and Ngā hapū o Raukawa about inclusion of Muaūpoko information into the CEDF. Her previous evidence from July 4th 2023 also contains a version of Muaūpoko CEDF text in Appendix A.

⁵ The Design Response is detailed in Chapter 4 of the CEDF

26. MTA have worked collaboratively through regular engagements with the hope of progressing the CEDF (and conditions) to a place where all partners agree. This has taken a significant amount of MTA time and resource effort.
27. However at the time of this evidence, Muaūpoko information is still yet to be accepted into the CEDF. The acceptance of this information is vital because it outlines our relationships with our ancestral whenua, wai and significant sites that needs consideration during detailed design and ongoing development of the CEDF.
28. We understand that it is yet to be accepted because it is still opposed by some hapū representatives of Ngāti Raukawa and we understand that the Waka Kotahi position is that all tangata whenua groups must agree on its wording (even wording relating to who Muaūpoko are). We continue to make attempts at understanding issues and progressing different wording of the text with Waka Kotahi and the Ngā hapū o Raukawa, however we understand that this text is still being generally opposed by some. We have been advised of this opposition verbally but have not received formal correspondence. which has been requested on a number of occasions.
29. In lieu of written and specific feedback on the issues with Muaūpoko information, we are respectfully requesting that this text is reinstated in the CEDF or a timebound condition is developed to invite us to insert this information as soon as possible.

Importance of cultural mitigation through Mahi Toi for significant sites and species

30. The proposed Project Mahi Toi Strategy will sit in the CEDF and for Muaūpoko is a key pathway for effects management⁶. It is a way in which we as tangata whenua can identify with our significant cultural landscapes and sites that are traversed by the highway and ensure their mana is not destroyed in the process. If the mahi toi strategy incorporates and authentically uplifts our four key significant sites and our connections with our taonga species then the mahi toi strategy will have a positive impact on our people, where they will finally see their 1000-year connection and mātauranga recognised in the whenua. Furthermore, it is vital to all Māori, especially Rangatahi and very especially our Rangatahi to finally see their history and identify reflected and valued in the landscape and the world they

⁶ The need for a Mahi Toi strategy is referenced extensively in the lodged CEDF 'consent version'.

live in. My colleague **Dean Wilson** provides further detail on the mātauranga surrounding our sites and species in paragraphs 19-13.

31. To prepare our approach to the Strategy, we consulted with an expert team of Muaūpoko mātauranga advisors, representing Muaūpoko hapū and various areas of expertise – this Roopu is called Kāhui Ārahi. We also held a number of consultation sessions with our whānau alongside dedicated Kaumātua and Rangatahi. Because of our people’s experience in being excluded from so much of the previous Waka Kotahi expressway developments across our recognised traditional area, our people understandably have amplified expectations of Waka Kotahi’s responsibilities to Muaūpoko in the Project.
32. The importance of Mahi Toi and management of effects on our significant sites and taonga was clear from our consultation sessions and Kāhui Ārahi engagements. This advice is represented in the CIA and MTA submission. At this time, certainty around effects management of our relationships with significant sites and species through the mahi toi strategy is a key area of the Project that remains uncertain for our people and of great concern.
33. Mirroring our experience with the development of the CEDF, we understand that treatment of our significant sites and taonga may not yet be incorporated into conditions because there is opposition from some. Waka Kotahi’s position communicated to us is that all tangata whenua groups must agree on wording. We have made attempts at understanding issues and progressing different wording of the conditions with Waka Kotahi and our project partners -the hapū groups, however, at the time of preparing this evidence, we understand that treatment of our sites and taonga is still generally opposed by some. This position has been advised verbally however a formal statement has still not been provided. We have requested this on a number of occasions.
34. In lieu of written and specific feedback on the issues with treatment of Muaūpoko relationships with our sites and taonga species, we respectfully request that this mitigation is provided for clearly in conditions. Our people say that it is essential to maintain their ancestral relationship with the land as the project proceeds. **Siobhan Karaitiana** provides our preferred condition wording in her evidence in **Appendix A**.

Working with Waka Kotahi and Ngā hapū o Raukawa on conditions and the CEDF

35. In 2023 so far, the MTA team have attended weekly RMA hui to discuss conditions and the CEDF with Ngā hapū o Raukawa and Waka Kotahi. A timeline of these events is attached to **Siobhan Karaitiana's** evidence Appendix B.
36. Ngā hapū o Raukawa have gone through a number of conditions review cycles in which we have participated in and responded to. It has been challenging to respond to the hapū groups ongoing feedback and the varying positions within Ngā hapū o Raukawa, however we have committed the resources to attending these regular sessions and providing ongoing review (including legal, kaupapa taiao and Board level input) throughout the year.
37. MTA met formally with some Ngāti Raukawa hapū groups and Waka Kotahi for mediation on 29 August 2023. . Unfortunately, Ngā hapū o Raukawa did not want to respond specifically on our CEDF information that we are requesting is included, nor the proposed wording to recognise the need for cultural mitigation in some areas of culturally significant sites and taonga species.
38. Following mediation, Ngā hapū o Raukawa advised they would be prepared to discuss matters at a wānanga on the marae which we agreed to. That occurred on 9 October 2023, but no agreement was reached, although we hope that there is better understanding about how the conditions will operate in practice.

The conquest narrative

39. Whilst specific reasons for opposition to inclusion of our information in the CEDF and cultural mitigation in conditions has not been explicitly set out for us, we understand some hapū representatives hold the view that Muaūpoko do not hold mana across the project area due to Ngāti Toa 'conquest' in the 1820s-1830s.
40. Although we recognise that this kaupapa is not relevant to the Resource Management Act (1991) (RMA) process before us because the RMA provides for our relationships of our culture and traditions with our ancestral lands, waters, sites, wāhi tapu and taonga, it is necessary to outline the context for which these views exist, so that we can debunk any prevailing narratives that may enter into this space.

41. Muaūpoko have been in the Horowhenua for over 600 years as mana whenua and our connections go back 1000 years. We have a rich and complex history. In the later part of our history, this involved migratory iwi including Ngati Raukawa.
42. Muaūpoko maintained ahikā roa in parts of the traditional area after the arrival of these Iwi, and some Muaūpoko migrated out of the area and united with other Muaūpoko hapū and related communities across the wider Muaūpoko territory. A core group of Muaūpoko remained at Horowhenua while others continued to live in the Manawatū, Te Waipounamu and Kāpiti Coast areas.
43. Muaūpoko, along with their very closely related and intertwined Kurahaupō whānau , Ngāti Apa and Rangitāne, entered various arrangements with the incoming iwi to maintain an uneasy peace, including an agreement with the Ngāti Raukawa rangatira Te Whatanui, involving a gift of land from the Muaūpoko rangatira, Taueki.
44. Customary marriages or takawaenga between the groups, to make peace agreements binding, were also arranged - something which the Ngāti Huia CIA refers to.
45. In 1840, Muaūpoko rangatira signed Te Tiriti o Waitangi, we engaged with the coming of Christianity as well as the arriving settlers and new economy.
46. The 'conquest narrative' has been derived as a result of competing interests in the early Native Land Courts processes. This is outlined in detail in Bruce Stirling's report received by the Waitangi Tribunal on 3rd November 2015. A brief summary of the derivation of this narrative is below.
47. *"Many (but not all) of the Crown and private land transactions and most (but not all) of the Native Land Court title awards reflected a view among officials, settlers, and other Pakeha that Muaupoko had been defeated and driven from their lands in the 20 years prior to 1840. This view was informed in part by the Pakeha preference for a crude 'winner-takes-all' approach to the nuances of Maori customary tenure but it was also informed by other iwi (Ngati Toa, Ngati Raukawa, and Te Ati Awa) who benefited from peddling this simplistic reading of their very brief history in the Muaupoko rohe"*⁷.

⁷ Bruce Stirling *Muaūpoko Customary Interests* Report for Waitangi Tribunal Wai 2200, #A182 September 2015 – page 5

48. This 'conquest narrative' has remained prevalent with some hapū and is evident in some Ngā hapū o Raukawa CIAs submitted for the Ō2NL project. With this narrative set out and general opposition to Muaūpoko participation in the project (including opposition to our CEDF material describing who we are and what is important to us, and appropriate treatment for our relationships with our significant sites and taonga species), Muaūpoko fear the track record risk of continued exclusion of Muaūpoko going forward is high.
49. We are also concerned about what it means for Muaūpoko regarding the lack of specificity in some conditions. For example **Schedule 4 clause h** states that narrative and cultural connections will be protected and uplifted (including by placement of signs for wayfinding) at locations to be confirmed by Ngāti Raukawa ki te Tonga hapū and agreed with the Requiring Authority.
50. There is a fear that Ngāti Raukawa may choose to identify locations and values of importance to the 'conquest narrative'.

What we are asking for

51. At the heart of MTA vision is the protection, preservation, promotion and enhancement of Muaūpokotānga, people, assets and taonga. This can only be achieved by respectfully recognising our history and values including our relationships with the sites and species listed. Throughout the project mahi, our people have identified and mapped over 30 sites of significance along the expressway and have identified four they consider to be significantly impacted and they feel must be included in the conditions.
52. It is vital that these are secured for us to continue with confidence on the project, this will ensure that detailed design will be cognisant of Muaūpoko connections and effects on significant sites and connections with species will be able to be managed appropriately.
53. We maintain that due to the factors and context explained in this statement -
- recognition of our iwi, our connections to significant sites and species is required in the CEDF and we require certainty that impacts on Muaūpoko sites of significance and species will be appropriately mitigated through conditions. It is also important Muaūpoko are protected from the 'conquest narrative' and that our relationships as tangata whenua to our traditional lands, waters and sites are not diminished as a result of this Project.

Dianne Rita Rump

10 October 2023

MY WHAKAPAPA

Kupe

Mātangiōrupe

Ruarangi

Whātonga

Taraika I Nohu

Wakanui

Turia

Te Aohaeretahi

Tūteremoana

Moeteao

Mahanga

Te Aonui

Aoroa

Te Uira

Te Mou

Potangotango

Tapuwae

Taueki

Hereora

Te Ahuru

Alice May

Biddy

Ivan

Di Rump