

**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

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**STATEMENT OF REBUTTAL EVIDENCE OF WAYNE JOHN KIRIONA, ON  
BEHALF OF NGĀTI KAPU, NGĀTI TUKOREHE, NGĀTI WEHIWEHI, NGĀTI  
KIKOPIRI, NGĀTI HIKITANGA, NGĀTI PARERAUKAWA, NGĀTI HUIA KI  
POROUTAWHAO, NGĀTI HUIA KI MATAU, NGĀTI TAKIHIKU AND NGĀTI  
NGARONGO, IN SUPPORT OF THE APPLICATION BY WAKA KOTAHI NEW  
ZEALAND TRANSPORT AGENCY**

Dated 10 October 2023

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**BUDDLE FINDLAY**

Barristers and Solicitors  
Wellington

Solicitor Acting: **David Allen / Thaddeus Ryan**  
Email: david.allen@buddlefindlay.com / thaddeus.ryan@buddlefindlay.com  
Tel 64 4 044 620450 Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

1. My full name is **Wayne John Kiriona**.
2. In conjunction with Justin Tamihana and Quentin Parr I prepared a statement of evidence (**Evidence**) regarding impacts and concerns of Ngāti Hikitanga, Ngāti Huia ki Matau, Ngāti Huia ki Poroutawhao, Ngāti Kikopiri and Ngāti Pareraukawa for the proposed Ōtaki to North of Levin Project (**Ō2NL Project** or **Project**), dated 30 June 2023.
3. My background is set out in my Evidence. I am speaking today on behalf of all the Ngāti Raukawa ki te Tonga Hapū represented in submissions and evidence. I note that Ngāti Hikitanga are also presenting additional evidence.
4. This rebuttal evidence provides an update on our consideration of the conditions proposed by Waka Kotahi, and in particular the conditions that relate to iwi partners.
5. As described in my evidence and the evidence of the other Hapū representatives, the Ngāti Raukawa ki te Tonga tribal area stretches from south of Te Horo, through to Ōtaki, the Horowhenua, and Manawatū up to the Rangitīkei River. Ten hapū of Ngāti Raukawa ki te Tonga (including Ngā Hapū o Ōtaki on behalf of Ngāti Kapu; Ngāti Hikitanga; Ngāti Huia ki Poroutawhao; Ngāti Huia ki Mātau; Ngāti Kikopiri; Ngāti Ngarongo; Ngāti Pareraukawa; Ngāti Takihiku; Ngāti Tukorehe and Ngāti Wehiwehi) are mana whenua for the area traversed by the Ō2NL Project.
6. Hapu have prepared CIA for the Ō2NL Project and these describe our rohe, our interests in the whenua through which the Ō2NL Project traverses, our cultural values and the effects of the Project on our values.
7. In brief, while our support is given to the Waka Kotahi applications, the Ō2NL Project traverses our rohe and will carve a scar through Papa-tū-a-nuku. The construction and operation of the Project will impact on the Mauri of our ancestral lands, our sites and water ways, on our Taonga, and also on our Kaitiaki responsibilities and our Mana.
8. We highlighted in our Evidence that the conditions as they stood at the time of filing Evidence did not appropriately reflect the outcomes sought by Ngāti Raukawa ki te Tonga iwi in our submissions, primarily in terms of providing for our participation in the future development of the Project such that we could be certain our cultural values would be appropriately acknowledge and

any effects on our values avoided, remedied, mitigated, offset or compensated for.

9. Since filing our Evidence we have continued discussions with Waka Kotahi on the Conditions. While progress has been made, we are not yet at a point where we have confidence that the conditions do appropriately achieve the outcomes sought. In particular, we have sought to settle a Partnership Agreement with Waka Kotahi and agreement as to how cultural matters will be developed and agreed between Iwi.
10. We hope to be able to update the Court on additional progress on the conditions at the Hearing.
11. Additionally, the provisions set out in the conditions relating to the Muaūpoko Tribal Authority (specifically DTW3 a); Schedule 3, g), h) and i) – the ‘Muaūpoko Conditions’) present significant concern to Ngāti Raukawa ki te Tonga Hapū. This concern relates to an outcome that imposes one iwi’s cultural narrative on another.
12. This concern presents a fundamental issue to us as Hapū / Iwi. It presents challenge to our mana, our whakapapa and our histories and we do not consider the Environment Court to be the right venue to debate these matters. Our concern is that Muaūpoko Tribal Authority have seen this RMA process as a vehicle to assist their cultural narrative. That narrative does not align with the narrative of Ngāti Raukawa ki te Tonga Hapū.
13. Outside of this RMA process, Ngāti Raukawa and Muaūpoko Tribal Authority have been working collaboratively with Waka Kotahi on a Mahi Toi Strategy. We have approached this work in good faith, and the outcome of the Strategy promotes a process, reliant on Tikanga and Kawa, for iwi partners to reach agreement on mahi toi outcomes as part of the strategy.
14. However, the RMA conditions, and specifically Schedule 3, establishes a different outcome, where agreement between partners on cultural narrative does not occur / is not required, and one iwi imposes its narrative over another.
15. This tension has existed since discussions on the Ō2NL Project commenced (and is of course historical and ongoing). Throughout the Project discussions, our approach has been not to try and impose a particular Ngāti Raukawa narrative over the Project, but rather to recognise the challenge presented, and allow for tikanga and kawa to resolve issues.

16. We have not sought to introduce into the conditions a cultural narrative perspective that supported one iwi over the other. The Condition amendments sought by Muaūpoko Tribal Authority do this.
17. Ngāti Raukawa ki te Tonga Hapū will not accept that outcome.
18. We would accept amendments to the Muaūpoko conditions (and to the Ngāti Raukawa Conditions for that matter, if that is required) that draw on our tikanga and kawa to resolve issues, including adopting a process for agreeing a cultural narrative for the Project that reflects both iwi partners cultural values, narratives and aspirations. This is the approach developed separately in the Mahi Toi strategy.
19. We are happy to speak directly to the Court on this matter at the hearing, including updating on any progress made towards resolving this issue.

**Wayne John Kiriona**

**10 October 2023**