

**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

**STATEMENT OF EVIDENCE OF KIM HOLLY MICHELE TAHIWI AND RAWIRI
RIKIHANA
REPRESENTING NGĀ HAPŪ O ŌTAKI ON BEHALF OF NGĀTI KAPU IN
SUPPORT OF THE APPLICATION BY WAKA KOTAHĪ NEW ZEALAND
TRANSPORT AGENCY**

PARTNERSHIP AND CULTURAL IMPACTS

Dated: 4 July 2023

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I TE ATAPO KIA KITA A MATARIKI
In the early morning sky Matariki is seen

TE TOHU O TE TAU HOU MAORI
The sign of the Maori New Year

NGA WAWATA NGA MOEMOE
Dreams and desires appear

E TU TE IWI MAORI
Rise up Maori people to new challenges

Whatero ana te arero o te tekoteko
Ko Motai Tangata rau
Nana ko Ue Ko Rakamamao Ko Kakati
Ko Tawhao Ko Turongo
Ko Raukawa
Ka hoki atu Au ki te Pu o te Wheke
Ko Pare Ko Ngati Maiotaki Ko Ngati Koroki
Ko Ngati Kapu ara Ko Ngati Huia.

Ko Nga Hapu o Otaki e mihi kau ana ki a Koutou
Ara Te Waka kotahi

MAURI ORA.

INTRODUCTION

1. Tēnā koutou.
2. We **Kim Holly Michele Tahiwī** and **Rawiri Rikihana** are authorised to give this joint brief of evidence for Ngā Hapū o Ōtaki on behalf of Ngāti Kapu¹ 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**).

Kim Tahiwī Introduction

3. Ko **Kim Holly Michele Tahiwī** tōku ingoa.
4. I am a descendant of Kingi Te Ahoaho.
5. I represent Ngā Hapū o Ōtaki in this joint brief of evidence.
6. My role as a representative of Ngā Hapū o Ōtaki has included (as relevant to this Project):
 - (a) Kaiarahi - Peka Peka to Ōtaki Expressway Project;
 - (b) Ngā Hapū o Ōtaki Representative – Ōtaki to North Levin Project; and
 - (c) Ngā Hapū o Ōtaki Project Manager - Waka Kotahi Projects.

Rawiri Rikihana Introduction

7. Ko **Rawiri Rikihana** tōku ingoa.
8. I represent Ngāti Kapu in this joint brief of evidence.
9. My role as a representative of Ngāti Kapu has included (as relevant to this Project):
 - (a) Kaiarahi (NHoŌ) - Peka Peka to Ōtaki Expressway Project;
 - (b) Ngāti Kapu Representative - Ōtaki to North Levin Project;
 - (c) Cultural Advisor; and
 - (d) Kai Korero.

¹ The Cultural Impact Assessment (**CIA**) dated 20 June 2022 uses the name "*Ngāti Kapumanawawhiti*". We confirm that "*Ngāti Kapu*" is the correct name of our hapū and all documents and communications in these proceedings should refer to "*Ngāti Kapu*." A revised CIA, correcting the name of our hapū, will be issued in due course.

Background to the Project

10. Ngā Hapū o Ōtaki on behalf of Ngāti Kapu, as hapū of Ngāti Raukawa, are an Ō2NL Project Partner. We have worked closely with Waka Kotahi on the development of the Project since January 2022. This has included participating in the corridor refinement, and communicating our tikanga and kawa and other cultural values associated with the Ō2NL Project, and our position in terms of both the tangible and intangible impacts of the Project. We continue to work in partnership with Iwi Partners and Waka Kotahi as the Project moves through the consenting process. As part of this work, Ngāti Kapu also prepared a Cultural Impact Assessment (**CIA**) dated 20 June 2022. Ngā Hapū o Ōtaki on behalf of Ngāti Kapu acknowledge the partnership they have with Waka Kotahi (as hapū of Ngāti Raukawa) and our Iwi Partners and the journey ahead together.
11. Our evidence will address:
 - (a) the rohe of Ngāti Raukawa and Ngā Hapū o Ōtaki;
 - (b) our Project Partnership arrangements with Waka Kotahi and our support for the Project, including in terms of:
 - (i) Rangatiratanga;
 - (ii) Kaitiakitanga;
 - (iii) Te Taiao; and
 - (iv) Waahi Tapu;
 - (c) a summary of the Project's cultural effects from the perspective of Ngā Hapū o Ōtaki on behalf of Ngāti Kapu; and
 - (d) mitigation of effects and conditions of consent.

ROHE

"Mai i Waitapu ki Rangataua mai i Mīria-te-kakara ki Kukutauaki"

12. The Ngāti Raukawa ki te Tonga tribal boundary stretches from the Rangitikei River *"Mai i Waitapu ki Rangataua mai i Mīria-te-kakara"*, down through the Manawatū, to Horowhenua, through Ōtaki to just south of Te Horo *"ki kukutauaki"*. Ngā Hapū o Ōtaki represent the five hapū of Ngāti Raukawa ki te Tonga (which include Ngāti Kapu; Ngāti Pare; Ngāti Koroki; Ngāti Maiotaki

and Ngāti Huia ki Katihiku) who are mana whenua for the area from Kukutauaki (south of Te Horo) to Pukehou (north of Ōtaki).

13. The Ngā Hapū o Ōtaki area traversed by the Ō2NL Project is from Ōtaki to Pukehou.
14. Ngā Hapū o Ōtaki on behalf of Ngāti Kapu are one of ten hapū (or hapū groups) of Ngāti Raukawa ki te Tonga (including Ngāti Tukorehe; Ngāti Hikitanga; Ngāti Huia ki Poroutawhao; Ngāti Huia ki Mātau; Ngāti Kikopiri; Ngāti Ngarongo; Ngāti Pareraukawa; Ngāti Takihiku; and Ngāti Wehi Wehi) who are mana whenua for the area traversed by the Ō2NL Project.
15. Ngāti Kapu has prepared a CIA for the Ō2NL Project. This is attached to Waka Kotahi's applications and must be read in conjunction with this evidence. Our CIA sets out details of central importance to these applications, including the history of our rohe, our interests in the whenua through which the Ō2NL Project traverses, our cultural values and the issues of concern to Ngā Hapū o Ōtaki on behalf of Ngāti Kapu.

PROJECT PARTNERSHIP AND OUR SUPPORT FOR THIS PROJECT

16. Ngā Hapū o Ōtaki on behalf of Ngāti Kapu support the applications lodged by Waka Kotahi. Our support is based on the high trust partnership established with Waka Kotahi to date, and going forward it will rely on a continuing relationship of mutual trust between the three Project Partners.

Project Partnership

17. A strong Partnership has the following characteristics:
 - (a) **Rangatiratanga** – Partners are able to exercise Rangatiratanga in a collaborative and safe environment. Each partner must be able to exercise Rangatiratanga.
 - (b) **Kotahitanga** – Partners acting in the best interests of the collective and actively seek ways to work together. Each partner must act in the spirit of Kotahitanga.
 - (c) **Manaakitanga** – Partners acknowledge all interests in the land this road is built on, our people that live here, and the relationships within. Partners possess the ability to be flexible when there are competing interests, and work together to create mana enhancing solutions that achieve legacy outcomes for all involved.

18. Establishing and maintaining a strong, respectful, collaborative and trusting Project Partnership between Waka Kotahi, hapū of Ngāti Raukawa ki te Tonga and Muaūpoko Tribal Authority (**MTA**) is the most critical component of this Project. A strong partnership will enable us to uphold our mana, and the mana of our tupuna, as we move forward together on the Ō2NL Project.
19. The RMA process should refrain from entering into any discussions that might interfere with the Project Partners' ability to work through issues in a mana enhancing way. This includes any matters that might otherwise be dealt with through the Treaty claims process. Any attempt to do so has the potential to de-rail our ability to form a strong partnership and our ability to reach consensus. This in turn would have consequences for the future of the Project.
20. At the time of writing this evidence a formal Project Partnership between Waka Kotahi, hapū of Ngāti Raukawa ki te Tonga and Muaūpoko Tribal Authority (**MTA**) is being developed but is not yet completed or formalised. The three Project Partners are committed to the partnership and to working together.
21. In addition to establishing and maintaining a strong Project Partnership, there are particular concerns that Ngā Hapū o Ōtaki on behalf of Ngāti Kapu still have that need to be addressed. These are discussed below under "Cultural Effects". However, Ngā Hapū o Ōtaki on behalf of Ngāti Kapu have been working in partnership with Waka Kotahi on this Ō2NL Project to find ways to mitigate these potential impacts, and we discuss this in more detail below.
22. At its core, it is the people who create the culture that nurtures and enriches any partnership – whether that be the Ō2NL Project Partnership, iwi/hapū partnerships with the Crown under Te Tiriti o Waitangi, or otherwise.
23. The Project Partnership with Waka Kotahi is continuously improving as we navigate what 'true partnership' looks like in a working model. The mutually respectful engagement has resulted in a positive and inclusive process of engagement with Ngā Hapū o Ōtaki on behalf of Ngāti Kapu. This engagement process has ensured that our tikanga and kawa are embedded into the development of the Project up to this point.
24. It also allows us the opportunity to exercise our Rangatiratanga and recognise our role as Kaitiaki.

25. Through our Project Partnership with Waka Kotahi we expect that our cultural values will continue to be recognised through the RMA process, into construction, and through the operational life of the Ō2NL Project.
26. This includes:
- (a) ensuring that co-governance and co-design of the Project continue to have positive outcomes;
 - (b) embedding our cultural values in every facet of the Project; and
 - (c) bringing benefits to our people and to the whole community.
27. This forum should not attempt to address issues that would otherwise be addressed through Treaty Hearings.

Support for the Project

28. While there are still cultural effects that need to be addressed, Ngā Hapū o Ōtaki on behalf of Ngāti Kapu support the key outcomes the Project will deliver, including its safety and resilience benefits and social and connectivity benefits.
29. In addition, and most importantly, the Project will be the physical manifestation of the Core Design Principles that have been co-designed by representatives of Ngāti Awa and MTA for the Project, being:²

Tread Lightly, with the whenua

Me tangata te whenua (treat the land as a person)

Kia māori te whenua (let it be its natural self)

Create an Enduring Community Legacy

Kia māori te whakaaro (normalise māori values)

Me noho tangata whenua ngā mātāpono (embed the principles in all things)

Tū ai te tangata, Tū ai te whenua, Tū ai te Wai (elevate the status of the people, land and water)

² Cultural and Environmental Design Framework, page 7.

SUMMARY OF CULTURAL EFFECTS

30. Although we are generally supportive of where the Project is at currently, and feel positive about the direction in which it is heading, the position of Ngā Hapū o Ōtaki on behalf of Ngāti Kapu is that there are still cultural effects arising from the Project that we wish to highlight.
31. As set out in our section 274 notice, Ngā Hapū o Ōtaki on behalf of Ngāti Kapu has an interest in the proceedings that is greater than that of the general public as the Ō2NL Project:
- (a) is situated within our rohe;
 - (b) will affect our tikanga (customs) and related ancestral relationships with wai (water), whenua (land) and other taonga (treasures);
 - (c) will impact our generational obligations as kaitiaki; and
 - (d) includes proposed cultural conditions, which must be informed by Iwi partners to achieve desired outcomes.
32. The Ō2NL Project traverses our land blocks. The use of part of this land for the highway will have an adverse effect on the cultural value or the Mauri of the entire block. The scar that will remain on Papa-tū-a-nuku will never heal.
33. The construction and operation of the Project will impact our ancestral lands, waterways, fauna and flora and all sites of significance. It also impedes our ability to exercise Tino Rangatiratanga and diminishes our role as kaitiaki, a responsibility handed down from our tupuna.
34. The existing State Highway, while connecting our people north and south, has brought enduring impact across multiple generations. We wish to ensure this impact does not permeate the new Highway. We wish to avoid, or at least minimise, adverse effects on our future generations and our cultural values.
35. Our CIA also identifies the following specific impacts:
- (a) **Waahi Tapu** – The high risk of damage to waahi tapu sites which affects the cultural value attached to those land blocks and specific sites.

- (b) **Te Taiao** – Likely the largest impact will be on our land, water and all fauna and flora that currently exist in this area. This extends to both the physical and spiritual aspects of Te Taiao.
 - (c) **Rangatiratanga** –The ability of Iwi, hapū and whānau to maintain their history, identity, traditions and/or culture. The ability to determine how our taonga are protected and how our tikanga are upheld is critical to our wellbeing.
 - (d) **Kaitiakitanga** – The role of iwi, hapū and whānau to guard and protect our taonga tuku iho.
36. The impacts listed above do not even begin to address historical losses suffered by our people and the historical impacts of existing infrastructure.

MITIGATION OF EFFECTS AND CONDITIONS OF CONSENT

37. Waka Kotahi has prepared a set of draft designation and resource consents conditions (which they have appended to their evidence in chief). Ngā Hapū o Ōtaki on behalf of Ngāti Kapu consider that the draft conditions, as they currently stand at the time of lodging this submission, do not yet appropriately reflect the outcomes sought by Ngāti Raukawa ki te Tonga iwi, although we will continue to work together to address any unresolved issues.
38. Ngā Hapū o Ōtaki on behalf of Ngāti Kapu seek improvements to the proposed conditions that:
- (a) recognise and provide for our cultural values, our relationships with our ancestral lands, water, waahi tapu, and other taonga, for our kaitiakitanga responsibilities, and our Mana;
 - (b) address the matters of concern identified in our CIA;
 - (c) embed the Cultural and Environmental Design Framework (**CEDF**) as the framework for delivering and defining Project outcomes, including the Core Principles set out in Chapter 1, the Design Principles set out in Chapter 3, and the Design Response set out in Chapter 4 of the CEDF, and ensure appropriate opportunity is provided for Hapū participation in developing and confirming the CEDF and the Project outcomes that the CEDF delivers;
 - (d) ensure appropriate opportunity is provided for Ngā Hapū o Ōtaki on behalf of Ngāti Kapu to participate in developing and confirming the

Project designs, construction management plans, environmental monitoring plans, and any operational management plans, including providing for appropriate opportunity to review and consider any changes that may occur over time to any of these matters; and

- (e) address any other matter of relevance to Ngā Hapū o Ōtaki on behalf of Ngāti Kapu that may arise through the RMA process.

39. At this time we are in discussion with Waka Kotahi about their draft conditions. We will provide an update on this matter to the Court at the hearing.

Kim Tahiwī and Rawiri Rīkīhana

4 July 2023