

**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 WAYNE JOHN KIRIONA
ON BEHALF OF NGĀTI HIKITANGA, NGĀTI HUIA KI MATAU, NGĀTI HUIA KI
POROUTAWHAO, NGĀTI KIKOPIRI AND NGATI PARERAUKAWA IN
SUPPORT OF THE APPLICATION BY WAKA KOTAHİ NEW ZEALAND
TRANSPORT AGENCY**

Dated: 4 July 2023

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INTRODUCTION

1. My name is **Wayne John Kiriona**.
2. I am a member of Ngāti Huia; born, raised and residing at the Poroutawhao kainga alongside two Ngāti Huia Marae: Huia and Matau.
3. I have been involved in hapū affairs all my life and have spent 30+ years as treasurer for Matau Marae, as well as holding many roles past and current within Ngāti Raukawa. These roles include CEO Whaioro Trust, Kaimahi Of Te Runanga O Raukawa, Board Member of Raukawa ki te Tonga Trust, Board Member of Te Runanga o Raukawa, Member of Te Tumatakahuki, Raukawa Loans, Tauranga Ika, Customary Fisheries, and others.
4. I am authorised to give this evidence on behalf of the following five hapū of Ngāti Raukawa (who together make up the Ngāti Huia Collective) 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**):
 - (a) Ngāti Kikopiri;
 - (b) Ngāti Pareraukawa;
 - (c) Ngāti Hikitunga;
 - (d) Ngati Huia ki Poroutawhao; and
 - (e) Ngāti Huia ki Matau.
5. Ngāti Raukawa (through its hapū) are an Ō2NL Project Partner, having worked closely with Waka Kotahi on the development of the Project from its inception. This has included participating in the shaping of the Ō2NL Project route selection and corridor refinement, communicating its values associated with Ō2NL environment and its position in terms of environmental effects of the Project, participating in the development of the Cultural and Environmental Design Framework (**CEDF**) and continuing to work in partnership with Waka Kotahi as the Project moves through the consenting process.
6. I have prepared this evidence with Kopuapangopango Trust Kaimahi Justin Tamihana and Quentin Parr, with input from our kaumātua Tiaki Tamihana

and from Rawiri Richmond and Angela Hayden. I note that Mr Parr has also prepared a statement of evidence on behalf of Ngāti Hikitunga, and I tautoko the statements and sentiments expressed in his evidence.

7. I am also a co-writer of a Cultural Impact Appreciation (**CIA**) prepared on behalf of the Ngāti Huia Collective by myself, Quentin Parr and Justin Tamihana for the Ō2NL Project, June 2022. I discuss the CIA below.
8. My evidence will address:
 - (a) the Project partnership arrangements between Waka Kotahi and the Ngāti Huia Collective;
 - (b) the CIA;
 - (c) a new Complaints Resolution Process (**CRP**) model called "Whakatikatika te Hē"; and
 - (d) the Ngāti Huia Collective's support for the Project, subject to condition improvements.

PROJECT PARTNERSHIP ARRANGEMENTS

9. Ō2NL is the largest Partnership Project outside of Te Tiriti our hapū are, or have been, involved in.
10. Our hapū and Waka Kotahi have been working together in an informal Project Partnership (**Partnership**) for approximately two years. This is an important relationship, and one that has enabled our collective to work constructively with Waka Kotahi, providing cultural feedback and guidance on all design aspects, and participating in the development of the CEDF and design workshops. It is critical – in terms of the Project's success generally, our journey forward as Project Partners, and also to ensure our people, tikanga and mātauranga continue to be meaningfully represented – that we have in place robust and meaningful partnership arrangements as we move forward with this significant piece of mahi.
11. We seek a formally binding contractual agreement that is both mana enhancing for the Crown and its Iwi Project Partners, and enables any cultural risk to be recognised and resolved as it arises.
12. We see this as a living document, reflecting that the Project Partnership is an evolving process that may expose us to a number of different impacts and

implications over its course, however its core rationale would remain the need to demonstrate the Treaty of Waitangi (**Treaty**) tenets in action.

13. The partnership tenet of the Treaty refers to a voice in the decision-making process as well as a voice in the allocation of resourcing. The inequity reflected at the decision-making table needs to be acknowledged and corrected, so it reflects true partnership instead of one which perpetuates the usual Crown disempowerment strategy of imposition.
14. Without a formalised agreement, our hapū are at risk of the Partnership existing through the good will of individuals, as opposed being locked in to the Ō2NL Project.
15. After two years of an informal partnership we would like a joint review to explore how we might be able to future proof our relationship and cement a 'formal contractual agreement,' co designed to safeguard our Treaty partnership moving forward.
16. At the time of writing this submission a formal Project Partnership between Iwi and Waka Kotahi is being developed, but is not yet completed or formalised.

CULTURAL IMPACT ASSESSMENT

17. As an initial point, we believe that because of the largescale and enduring, nature of the Project, it is not possible to articulate all cultural effects in a single CIA document.
18. In the past, hapū have been invited to provide CIAs for projects and, usually, that is where hapū engagement ends. However, as projects are designed, change, and evolve so do their cultural effects.
19. In this case, both Treaty partners have acknowledged that CIAs are a living document which will continue to evolve over time. As such, it stands to reason that there may be different impacts and implications that will arise from time to time. Also, it is highly likely that cultural risk may also increase from time to time, and when it does the Whakatikatika te Hē Protocol (**WtHP**) should be implemented by the ahi kā, to firstly identify that risk. Once the risk has been identified both Treaty partners can then explore the best way to mitigate that risk.

20. Accordingly, although we summarise the key aspects of the CIA in this evidence, we see this as an ongoing relationship, and we will work together with Waka Kotahi and the other Project Partners as Ō2NL progresses and evolves.
21. The CIA mostly raises relational issues and processes, and suggests some tikanga-based processes which we believe are essential to resolve cultural and Project issues as they arise. In addition to those set out in the CIA, I also discuss below a CRP called "Whakatikatika te Hē!" (translated to, "Focus on resolving the issue!"). This is a Māori model of CRP which provides an opportunity for reviewing scenarios using a step-by-step process.
22. Our CIA therefore sets out relational aspirations of how hapū will remain engaged throughout the entirety of the Ō2NL Project. In brief:
 - (a) Section 1.1 of the CIA briefly describes the identity of Ngāti Huia hapū and their settlement in the wider Kāpiti District according to the tikanga of the time.
 - (b) Section 1.2 describes Kopuapangopango Trust, a hapū based organisation supporting the hapu of Ngāti Huia.
 - (c) Section 1.3 of the CIA expresses our desire to work in partnership with Waka Kotahi under the accepted Project Values outlined in the CEDF (noting that although our CIA states we have "entered a formal Partnership arrangement with Waka Kotahi", I personally would describe this as a formal resourcing arrangement).
 - (d) Section 1.4 refers to our new approach to cultural effects and the use of Māori Models as an assessment tool for considering cultural Impacts. We have used Te Whare Tapa Whā as an example of a Māori Model being used throughout the Ō2NL Project both as an assessment of impact and of wellbeing. Te Whare Tapa Whā is the foundation that never moves or changes, and using this framework means that through dialogue and partnership, and where and when necessary, information on cultural values which is relevant to the Project can be, and will be, shared and disseminated, but with the blessing of the affected hapū.
 - (e) Section 1.5 highlights that Te Ao Māori must be lived and given life within the Project. We are acutely aware that legislative and cultural models do not always fit together well, however:

- (i) they can work well together where there is willingness and commitment. We have numerous tribal institutions (for example, marae and wānanga) that are subject to legislation, however they operate with cultural models; and
 - (ii) above all, it is critical that both Treaty partners be able to explore and negotiate an agreement which clearly gives life to the Māori world view. As dignified by the contra-proferentum doctrine, the Iwi Project Partner should have the right to lead this design.
- (f) Section 2 further explores the use of holistic models in the CIA, including Te Whare Tapa Whā, to measure effects; as the traditional methods of measuring in a “monetary” sense does not always capture the holistic effects for Māori. Both Treaty partners need the opportunity to co-design a cultural model which gives effect to legislative requirements which is mana enhancing for both Treaty partners, and which is an appropriate compromise for both sides.

The essential feature of Te Whare Tapa Whā is that it takes a holistic perspective to wellbeing, and that to achieve wellbeing, or health, there must be a balance between the four walls of the whare, being:

- (i) te taha wairua (spiritual wellbeing);
 - (ii) te taha tinana (physical wellbeing);
 - (iii) te taha hinengaro (mental wellbeing); and
 - (iv) te taha whānau (family wellbeing).
- (g) Section 3 applies Te Whare Tapa Whā to the Ō2NL Project (including with reference to the CEDF and the four walls of the whare), assessing the Project's impact on cultural values before looking at how cultural well-being and balance can be re-established (muru) and how hapu will korero and report back.
- (h) Section 4 looks at the role of Takawaenga (relationship) with other Iwi. This highlights the need to identify a CRP within the Project Partnership. This would set out how dispute would be resolved, not only between Iwi Partners, but also between Iwi and Waka Kotahi.

23. The matrix framework outlined in the CIA is a simplistic representation that recognises differing and overlapping interests of iwi within the Ō2NL corridor.

The model is inclusive while at the same time recognising different levels and types of interest. This is an important aspect of Partnership for our hapū as legislative frameworks do not recognise different levels of interest, or primary interests, whereas tikanga Māori would take those things into consideration. For example, this may be useful to determine who might lead an inclusive karakia in a particular area.

WHAKATIKATIKA TE HĒ!

24. As mentioned above, as a collective we are investigating this CRP model which is focussed on "*resolving the issues*" using the following step-by-step process:
 - (a) Step One: Deal with the minor issues prior to the end of each day. Do not give them the time and oxygen to become major issues.
 - (b) Step Two: When something is causing conflict, allow 48 hours for each affected partner to provide written dialogue to explain their rationale to one another via email or online video call. In this way it will enable both affected parties to **respond** rather than **react**.
 - (c) Step Three: Provide a rationale in writing that you feel may be an acceptable compromise, along with some options to meet and sit down together to find an appropriate way forward.
25. We consider this could be a useful tool for resolving any conflicts that may arise in the Project Partnership.
26. More generally, however, in our view both Treaty partners need to co-design an appropriate model that:
 - (a) recognises primary interests;
 - (b) appropriately caters for varying degrees of engagement and interest; and
 - (c) is encompassed by Tikanga Māori which provides the opportunity to mitigate any cultural risk.

SUPPORT FOR THE PROJECT

27. As set out in the section 274 notices filed by the respective hapū of Ngāti Huia Collective, we are supportive of the Project provided:
- (a) we continue have a strong 'voice' in the Project's development and decision-making;
 - (b) our involvement is embedded in the Project outcomes; and
 - (c) our cultural values, relationships with ancestral lands, water, wāhi tapu and other taonga, our kaitiaki responsibilities and our mana are all recognised and provided for.
28. For the above reasons I can confirm that we do seek improvements to the proposed Resource Management Act 1991 (**RMA**) resource consent and NoR conditions that ensure:
- (a) we are involved in the ongoing design and development of the Ō2NL Project including implementation phases;
 - (b) we are involved in development of management and monitoring plans, notably the ecology and planting plans, and erosion and sediment control plans;
 - (c) appropriate provisions are made for the development of tikanga and kawa protocols;
 - (d) we are involved in the development of cultural narratives across the Project that ensures that places are appropriately recognised and celebrated, and opportunities to link proposed planting with meaningful Rongoa and Mahinga Kai outcomes are developed;
 - (e) there is an efficient process for developing and coordinating the iwi management plan(s), including a clear pathway for resolving conflicts that may arise (noting I currently have concerns about the efficiencies and practicalities of having two iwi management plans sitting side by side); and
 - (f) we are able to address any other matter that may arise through the RMA process.

29. 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.

Wayne John Kiriona

4 July 2023