

**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 JANELLE TONI TAMIHANA
ON BEHALF OF NGĀTI TAKIHIKU AND NGĀTI NGARONGO (NGĀ HAPŪ O
KERERŪ) IN SUPPORT OF THE APPLICATION BY WAKA KOTAHİ NEW
ZEALAND TRANSPORT AGENCY**

Dated: 4 July 2023

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“Taumānuka ki runga, Tāwhirihoe ki raro,
ko Te Maire ki uta, ko Te Wharangi ki tai
ko Te Awahou, ko Matarapa, ko Hōkio ki waenganui
ko Papakiri, ko Hōkio, ko Te Pua-o-Tau ngā rua kōiwi o ngā tupuna”

*“From Taumānuka (Ōtaki beach) in the south, and Tawhirihoe (on Rangitīkei river)
in the north; Te Maire inland, Te Wharangi near the coast; with Te Awahou,
Matarapa and Hōkio in between. Papakiri, Hōkio and Pua-o-tau are the burial
grounds, where the bones of ancestors lie.”*

INTRODUCTION

1. Tēnā koutou. Ko **Janelle Toni Tamihana** tōku ingoa. My full name is **Janelle Toni Tamihana**.
2. I whakapapa to both hapū of Kererū marae through my Mother and both her parents, my grandparents. My Grandfather was raised out at Kōpūtōroa on the land of our Tupuna. We no longer have this land, however my Grandmother and her siblings still have land out at Kōpūtōroa.
3. I am an active member of the Kererū Marae Committee; we have two hapu that we represent, Ngāti Takihiku and Ngāti Ngarongo. I represent the Marae in numerous forums as the mandated representative of Ngāti Takihiku, including, but not limited to, Te Runanga o Raukawa as a board member along with the other 25 hapū that it represents.
4. I am authorised to give this evidence on behalf of both Ngāti Takihiku and Ngāti Ngarongo. We are two of the hapū of Ngāti Raukawa, but we are one whānau. In this evidence I refer to Ngāti Takihiku and Ngāti Ngarongo collectively as Ngā Hapū o Kererū This evidence is given 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. 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. As part of this work, Ngā Hapū o Kererū , through the Kererū Marae Committee, commissioned a Cultural Impact Assessment (**CIA**) dated September 2022.
7. Ngā Hapū o Kererū acknowledge the Project Partnership they have with Waka Kotahi (as hapū of Ngāti Raukawa) and the journey ahead together.

8. My evidence will address:
- (a) the rohe and whakapapa of Ngā Hapū o Kererū;
 - (b) our engagement with Waka Kotahi and support for the Project, including in respect of:
 - (i) the Project Partnership arrangements between Ngā Hapū o Kererū (as hapū of Ngāti Raukawa) and Waka Kotahi; and
 - (ii) our involvement in the development of the CEDF and the Project design;
 - (c) a summary of the Project's cultural effects from the perspective of Ngā Hapū o Kererū , in particular:
 - (i) effects on the Kōpūtōroa Stream; and
 - (ii) access to Te Ripo O Hinemata Wetland; and
 - (d) mitigation of effects and conditions of consent.

ROHE AND WHAKAPAPA

9. 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. Ngāti Takihiku are one of ten hapū of Ngāti Raukawa ki te Tonga (including Ngā Hapū o Ōtaki on behalf of Ngāti Kapu; Ngāti Hikitunga; Ngāti Huia ki Poroutawhao; Ngāti Huia ki Mātau; Ngāti Kikopiri; Ngāti Ngarongo; Ngāti Pareraukawa; Ngāti Takihiku; Ngāti Tukorehe and Ngāti Wehiwehi) who are mana whenua for the area traversed by the Ō2NL Project.
10. As above, the Kererū Marae Committee commissioned a CIA for the Ō2NL Project, which I was involved in the preparation of, together with Te Kenehi Teira and Mona-Pauline Mangakāhia-Bajwa. The CIA, dated September 2022, is attached to Waka Kotahi's applications. Our CIA set out important details of central importance to these applications, including on our rohe, our interests in the whenua through which the Ō2NL Project traverses, our cultural values and the issues of concern to hapū. Some of the key components of the CIA are emphasised below, however, for completeness, my evidence should be read in conjunction with the CIA.

11. The connecting rohe of Ngā Hapū o Kererū, including both its geographical span and its historical significance, is usefully described in the following peha:

Ta umānuka ki runga, Tāwhirihoe ki raro,

ko Te Maire ki uta, ko Te Wharangi ki tai

ko Te Awahou, ko Matarapa, ko Hōkio ki waenganui

ko Papakiri, ko Hōkio, ko Te Pua-o-Tau ngā rua kōiwi o ngā tupuna

From Taumānuka (Ōtaki beach) in the south, and Tawhirihoe (on Rangitikei river) in the north; Te Maire inland, Te Wharangi near the coast; with Te Awahou, Matarapa and Hōkio in between. Papakiri, Hōkio and Pua-o-tau are the burial grounds, where the bones of ancestors lie.

12. Kōpūtōroa takes its name from the soft, white plumage of the albatross (Tōroa) breast and refers to the way clouds of mist sometimes rise over the crest of an escarpment by the Kōpūtōroa stream.
13. "*Tōroa ki uta, Tōroa ki tai*" (from the forest to the sea) is a reference to the relationship between the Kererū and the Tōroa and speaks to the migratory nature of Ngāti Raukawa ki te Tonga. Our people moved between Wharepuhunga and Te Kōpū o te Tōroa often, which was critical to ensure ahi kā remained.

OUR ENGAGEMENT WITH WAKA KOTAHI AND SUPPORT FOR THIS PROJECT

14. Ngā Hapū o Kererū support the applications lodged by Waka Kotahi, subject to two specific matters addressed below in this evidence. Our support is based on the high trust relationship established with Waka Kotahi.

Project partnership

15. Ngā Hapū o Kererū have been working in collaboration with Waka Kotahi on this Ō2NL Project, in a Project Partnership developed over a number of years, to find ways to firstly avoid and then to manage and mitigate the potential impacts of the Project.

16. Working in partnership on the Ō2NL Project has been a key driver for all of the Project Partners, with a particular focus on what that Project Partnership will look like at the other (operational) end of the Project.
17. I note that at the time of writing this evidence a formal Project Partnership between iwi and Waka Kotahi is being developed, but is not yet completed or formalised.
18. Ngā Hapū o Kererū acknowledge there are inherent challenges when you have three Project Partners working together on something as significant and large-scale as Ō2NL, and there are some residual issues that still need to be teased out (particularly as we are mapping a course uncharted, having not done anything like this before). However, there is a sense of mutual respect between the Project Partners and a shared commitment to finding a constructive and mutually agreeable pathway through.
19. From the perspective of Ngā Hapū o Kererū , one of the core components of this Project Partnership is the need to share space respectfully.
20. Te Tiriti relationships and proceedings are a complicating factor, and I note we are in Treaty hearings at the moment which do have an impact on our ongoing Project Partnership relationships. Nevertheless, we as iwi have to try and separate the Project from the Treaty space, while still remaining mindful that those issues are still being worked through as part of an independent process.
21. At the end of the day we all have a story to tell, but it is *how* we tell those stories that is important. In order to move forward as Project Partners we must all accept that while we have our story, other iwi and hapū may have a different story, and all stories can co-exist in their own space.

Engagement to date

22. The relationship developed with Waka Kotahi is strong and has underpinned a positive and inclusive process of engagement with Ngā Hapū o Kererū. As part of this engagement process, which has ensured we have had a strong 'voice' in the development of the Project to this point, I have:
 - (a) participated in the development of the CEDF over the period June 2021 to October 2022 through a series of weekly workshops with the lead author of that document and also with technical design and effects experts;

- (b) attended ecology, water take and material supply / take design workshops with Project ecologists, geologists, hydrologists and designers, as well as with Waka Kotahi Project representatives over the period June 2021 to October 2022;
 - (c) assisted Te Kenehi Teira and Mona-Pauline Mangakāhia-Bajwa with the preparation of the CIA for Ngā Hapū o Kererū;
 - (d) assisted with the kura engagement plan with Project Partners and Waka Kotahi representatives; and
 - (e) attended workshops on conditions with Iwi Project Partners, as well as with Waka Kotahi representatives.
23. Through our Project Partnership with Waka Kotahi we expect this strong voice will continue through the RMA process, into construction, and through the operational life of the Ō2NL Project.
24. Outcomes from the RMA process (including robust conditions and iwi management plans), as well as formalised Project Partnership arrangements, can strengthen and ensure that this voice, and Ngā Hapū o Kererū participation in the Ō2NL Project, are embedded in Project outcomes, bringing benefits to our people and to the whole community.

SUMMARY OF CULTURAL EFFECTS

Introduction

25. Although we are largely happy with where the Project is currently, and the direction it is heading in, there are two specific issues that I wish to highlight that are of particular importance to Ngā Hapū o Kererū. These are:
- (a) effects on the Kōpūtōroa Stream; and
 - (b) access to Te Ripo O Hinemata Wetland.
26. These natural features are of significant historical and cultural importance to our people, as highlighted in the CIA:¹

"Some of the first to settle at Kōpūtōroa included people with whakapapa from all three hapū - Ngāti Tāhīhiku, Ngāti Ngarongo and Ngāti Hinemata. Clearings at Kererū had been made before 1840, when the Treaty was signed. When

¹ Ngā Hapū o Kererū CIA, 1. He Kōrero Whakataki (Introduction), p 4, attached in Volume V of the Ō2NL Application.

*our tupuna first settled here, there were approximately 28 “tūtū kākā, kaikas, miro, totara and tawa”. tuna, kōkopu, īnanga and smelt were plentiful in the Kōpūtōroa stream, and harakeke was also a rich local resource. **There was an extensive wetland, which the Kōpūtōroa stream ran through before it reached the Manawatū river.***

(emphasis added)

27. The CIA also notes the devastating degradation of our waterways through pollution, which not only undermines our rangatiratanga, mana and our ability to sustain ourselves and preserve economic independence, but also has negative effects on the mauri of the waterways.²
28. When the mauri of our awa is low, it is reflected in the living world and impacts on our ability to actively engage with our water ways.

Effects on the Kōpūtōroa Stream

29. As part of my involvement in the Project to date, one of my key roles has been in dealing with flooding and stormwater matters together with the Project Team's technical experts. In particular, I have been involved to ensure that the Project Team is responding appropriately to the Kōpūtōroa Stream environment, and to make sure the Project did not inadvertently result in the very effects that they were trying to avoid (e.g., flooding).
30. I have also been closely involved in the proposed water take, to ensure that any take from the Kōpūtōroa Stream does not result in any degradation of the mauri of the awa.
31. We had concerns that the abstraction controls under Horizons' One Plan were not relevant or sufficient for responding to the Kōpūtōroa Stream environment. In particular, the One Plan requires that you must stop taking water from the Kōpūtōroa Stream when the water levels measured in the Manawatū at Teachers College (Palmerston North) are below a prescribed minimum flow. However, this control is irrelevant to the specific environment, considering we are talking about a small tributary that feeds into the main (Manawatū) River downstream of Teachers College. In other words, it did not make sense to us that a 20 metre wide river would rely on the same measurements as a metre-wide tributary.

² Ngā Hapū o Kererū CIA, 1. He Kōrero Whakataki (Introduction), p 4.

32. Accordingly, we worked with Waka Kotahi on a more appropriate response to the environment and propose to implement a system tailored to the actual stream environment and its individual characteristics. This means that water will only be taken from the Kōpūtōroa Stream in a manner (rate and overall volume) that does not affect the mauri of the Stream. This tailored approach is much more refined and relevant than simply being calibrated to a measure on the Manawatū at Teachers College.
33. This is a positive action, and one that not only reflects the western scientific perspective, but also recognises the mauri of the awa and the mechanisms, from a tikanga Māori perspective, that are appropriate for protecting that mauri.

Access to Te Ripo O Hinemata Wetland

34. Our other main concern is around access arrangements to Te Ripo O Hinemata Wetland (**Te Ripo**), which has great cultural and spiritual significance for the people of Kererū Marae.
35. Te Ripo O Hinemata Wetland comprises 18.9 hectares of collectively owned area of freshwater wetland and low hill slopes. The main wetland from Kōpūtōroa Stream to the south and east, is separated by a stopbank and the North Island Main Trunk Railway forms the north-western boundary.
36. It is located on a floodplain of Kōpūtōroa Stream approximately 2 km northeast of Kōpūtōroa, and 7 km northeast of Levin.
37. Currently, the only way to access Te Ripo is to walk along, and cross, railway lines. You also need KiwiRail approvals in order to access Te Ripo, which can take months.
38. Not only is this problematic in itself (in terms of the significance of the wetland to our people), but it also severs us from a significant urupa / cemetery, which is located close by to the wetland.
39. What this means is that if people want to visit the cemetery to bury, or to pay tribute to, their dead relatives, they have a choice of either waiting months for permission from KiwiRail or breaking the law to gain access.
40. Securing access to this area is one of the broader outcomes we are seeking to achieve through the Te Ripo o Hinemata Wetland Restoration work we are

doing, and we are looking in particular for formalised access (for example through a rail safety licence).

41. I understand there are safety issues at play but this is also a legacy issue. My great-great-grandfather used to catch the train at this location by simply flagging it down and hopping on. This would never happen now. Now we cannot even cross over the line to visit our wetland or bury our dead.

MITIGATION OF EFFECTS AND CONDITIONS OF CONSENT

42. While support is given, 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.
43. 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 Kererū consider that the draft conditions, as they currently stand at the time of lodging this statement, 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.
44. Ngā Hapū o Kererū 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 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 Kererū participation 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 Kererū that may arise through the RMA process.

45. 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.

Janelle Toni Tamihana

4 July 2023