

MT MESSENGER BYPASS PROJECT: SUMMARY OF EVIDENCE MICHAEL PETER JOHN DREAVER (ENGAGEMENT WITH TANGATA WHENUA) ON BEHALF OF THE NZ TRANSPORT AGENCY

1. My role has been to advise the Transport Agency on iwi and Māori engagement, to help ensure that the scope of that engagement was appropriate, to facilitate it where necessary and to lead negotiations on a mitigation and compensation package for Ngāti Tama interests affected by the Project.

Ngāti Tama Treaty Settlement and Representative Entity

2. Ngāti Tama's historical Treaty of Waitangi settlement came into force in 2003 and included the transfer of Mt Messenger Scenic Reserve and part of the Mt Messenger Conservation Area. These land transfers were critical to Ngāti Tama support for the overall settlement.
3. Te Runanga o Ngāti Tama was approved by Ministers as representative of and accountable to all Ngāti Tama members, and was established as the entity to hold and manage the Treaty settlement.

Engagement with Ngāti Tama

4. The options for the proposed Project route were in the Ngāti Tama rohe and passed through Ngāti Tama Treaty settlement land. Te Runanga o Ngāti Tama made it clear from the outset it did not want any of its land to be taken for the Project. The Transport Agency was also clear that the Project could not proceed without Te Runanga's consent for the acquisition and use of some of its land.
5. The Transport Agency and Te Runanga o Ngāti Tama have engaged at a number of levels and in a range of different fora:
 - (a) governance-level meetings between the Transport Agency and Te Runanga;
 - (b) the Multi Criteria Analysis process;
 - (c) negotiations over compensation and mitigation;
 - (d) environmental assessment meetings;
 - (e) site meetings and fieldwork;
 - (f) meetings to establish a cultural monitoring framework;
 - (g) attendance by the Transport Agency at Ngāti Tama hui a iwi where the Project was presented and discussed; and
 - (h) detailed design meetings.

Assurance in relation to acquisition of land

6. The Transport Agency has given an assurance to Te Runanga that it will not initiate the compulsory acquisition process under the Public Works Act 1981 in relation to the Ngāti Tama land sought for the Project. The land will only be acquired for the Project with the agreement of Ngāti Tama.

Compensation and mitigation package

7. We have worked with Te Runanga to develop a compensation mitigation package including:
 - (a) recognition by the Transport Agency of the cultural association of Ngāti Tama with the Project Area;
 - (b) the potential exchange of the Ngāti Tama land required for the Project for a 120 hectare property in Gilbert Road that was purchased by the Transport Agency in 2017 for that purpose;
 - (c) a cash payment to be held on Trust to help address the cultural impact of the Project on Ngāti Tama interests;
 - (d) an environmental mitigation package including Ngāti Tama's ability to control and manage the mitigation on their ancestral lands;
 - (e) a process to help enhance the relationship between Ngāti Tama and the Department of Conservation;
 - (f) commitments to maximise training, work, and business opportunities for Ngāti Tama members arising from the Project;
 - (g) cultural input by Ngāti Tama into the design and implementation of the Project; and
 - (h) cultural monitoring by Ngāti Tama of works associated with the Project.
8. In my view the negotiation process has been respectful of Ngāti Tama's interests and has been proactive and positive. The Transport Agency team has worked hard to understand the full impact of the Project on Ngāti Tama and offer meaningful and innovative compensation and mitigation for the impact on Ngāti Tama interests including the potential acquisition of Ngāti Tama land.

Engagement with other groups

9. There has also been engagement with other iwi and Māori groups with interests in the broader Project area.

10. **Ngāti Mutunga's** northern boundary adjoins the southern boundary of Ngāti Tama. The Transport Agency has provided regular updates to Ngāti Mutunga including through hui. The consistent feedback from Ngāti Mutunga to the Transport Agency has been that the Transport Agency should continue its primary engagement with Te Runanga o Ngāti Tama.
11. **Ngāti Maniapoto** has expressed an interest in land as far south as the Wahanui line, which includes the entire Project area. Ngāti Maniapoto has advised that although they claim interests into the area, they defer to Ngāti Tama in respect of the impacts of the Project.
12. **Poutama** is another group that assert interests in the Project area although these interests and their status are disputed by recognised iwi. There have been several meetings with Poutama since early in the process, where the Transport Agency provided information on the Project and options, and invited Poutama feedback. Poutama asserted a strong customary interest in the land subject to the Project, including the land owned by Te Runanga o Ngāti Tama. The Transport Agency invited Poutama to prepare a cultural values assessment covering the Project area so as to provide an opportunity for information around those values to be considered, but stated that it would pay particular attention to the views of Ngāti Tama in respect of the land that they own as a result of their Treaty settlement. As noted in my supplementary evidence, I understand the Transport Agency expects to receive the cultural values assessment on either 8 or 9 August 2018, in line with the Commissioner's direction.
13. **Te Korowai** is a recently formed body that claims to represent a hapū of Ngāti Tama. More specifically, the West Coast North Island Coastal Protection Society Incorporated was incorporated only on 26 February 2018 and it lodged a submission (in the name of Te Korowai) on the Mt Messenger applications the following day. On 6 March 2018 2018 the Society changed its name to Te Korowai Tiaki O Te Hauauru Incorporated. As set out in my supplementary evidence, Te Korowai members Amos White and Lisa White attended meetings between the Transport Agency and Te Runanga as Trustees of Te Runanga until they were suspended. In 2017 Te Runanga continued to update suspended Trustees on its engagement with the Transport Agency. Te Korowai were invited by Te Runanga to a 28 April 2018 information hui with the Transport Agency at Pukearuhe marae, but did not attend. They were also invited to the 2 June 2018 hui a iwi and some of their members did attend that hui. The Project team also met with Te Korowai's executive and some of its supporters on 24 July 2018 to discuss the Project, its effect and the proposed mitigation, and I have been advised that Te Korowai representatives attended the AGM of Te Runanga o Ngāti Tama on 28 July 2018. Te Korowai has advised they want to continue to engage and we will look at how this can be achieved as part of our ongoing engagement with Ngāti Tama.

Response to submissions and Section 42A Report

14. Te Runanga made a neutral submission which was consistent with the then stage in negotiations between the Transport Agency and Te Runanga. The evidence of Mr White for Te Runanga confirms that Te Runanga now formally supports the grant of the RMA authorisations for the Project. I understand that Te Korowai and Poutama will have the opportunity to express the views raised in their submissions and evidence through the hearing process.
15. In terms of concerns expressed by Ms Bailey about a lack of engagement with Ngāti Mutunga and Poutama, as covered in my EIC there has been Transport Agency engagement with both groups over the course of the Project.¹
16. The Section 42A Reports in my view correctly categorise the nature and quality of the engagement between Te Runanga and the Transport Agency. It is likely Te Runanga will work with the Transport Agency over the course of the hearing to refine and agree consent conditions that recognise Ngāti Tama's relationship with their land and reflect the discussions and negotiations between Te Runanga and the Transport Agency. The Transport Agency has formally provided Te Runanga with an assurance that it does not intend to invoke the compulsory acquisition powers of the Public Works Act to acquire Ngāti Tama land. The mechanism for incorporating cultural aspects into the Project design has been largely agreed with Te Runanga.

¹ I note that neither Ngāti Mutunga nor Ngāti Maniapoto made a submission on the RMA applications.