

**BEFORE THE TARANAKI REGIONAL COUNCIL AND NEW PLYMOUTH  
DISTRICT COUNCIL**

**MT MESSENGER BYPASS PROJECT**

In the matter of the Resource Management Act 1991

and

In the matter of applications for resource consents, and a notice of requirement by the NZ Transport Agency for an alteration to the State Highway 3 designation in the New Plymouth District Plan, to carry out the Mt Messenger Bypass Project

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**STATEMENT OF REBUTTAL EVIDENCE OF MICHAEL PETER JOHN  
DREAVER (ENGAGEMENT WITH TANGATA WHENUA) ON BEHALF OF THE  
NZ TRANSPORT AGENCY**

30 July 2018

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## INTRODUCTION

1. My name is Michael Peter John Dreaver.
2. This rebuttal evidence is given in relation to applications for resource consents, and a notice of requirement by the NZ Transport Agency ("the **Transport Agency**") for an alteration to the State Highway 3 designation in the New Plymouth District Plan, to carry out the Mt Messenger Bypass Project ("the **Project**"). It is my third statement of evidence for the Project, following my evidence in chief ("**EIC**") dated 25 May 2018 and my supplementary statement of evidence ("**Supplementary Evidence**") dated 17 July 2018.
3. I have the qualifications and experience set out in my EIC.
4. I repeat the confirmation given in my EIC that I have read the 'Code of Conduct' for expert witnesses and that my evidence has been prepared in compliance with that Code.
5. In this evidence I use the same defined terms as in my EIC and Supplementary Evidence.
6. This evidence responds to the evidence of Greg Carlyon on behalf of Te Korowai.

## MR CARLYON'S COMMENTS ON ENGAGEMENT WITH TE RUNANGA O NGĀTI TAMA AND TE KOROWAI

7. At various points in his evidence Mr Carlyon makes statements questioning the authority or fitness of Te Runanga o Ngāti Tama to speak on behalf of Ngāti Tama, and criticising the Transport Agency for the timing, nature and extent of its engagement with Te Korowai.
8. At paragraph 13 Mr Carlyon states:  
*"It is clear to NZTA and its agents that Ngaati Tama's representation to speak solely to issues regarding the Mt Messenger roading project is questioned. It is not my place to address the role of the mandated representatives of Ngaati Tama to speak to the issues raised by the Mt Messenger project. In light of the serious concerns and challenge laid by Te Korowai, it is reasonable to assert that good-faith consultation would have occurred with Te Korowai. This consultation and the efforts made by Mr Dreaver on behalf of NZTA, has come belatedly in the process and not reached a conclusion."*
9. At paragraph 28 he states: "... [NZTA] has belatedly engaged with the descendants of Ngati Tama, represented by Te Korowai."
10. At paragraph 29 he states: "...However, it is my opinion that the application of kaitiaki status is not an exclusive undertaking. The descendants of Ngaati Tama, represented by Te Korowai, have demonstrated their whakapapa to the lands covered by the application, and are therefore kaitiaki. "

11. At paragraph 31 he states:

*"The first substantive meeting between Te Korowai and NZTA is occurring on 24 July 2018. Just six working days prior to the start of the hearing. It appears that the framework for this meeting is to better understand the positions of parties. However, the same courtesies extended to Ngaati Tama in respect of support, resourcing, time to reconcile matters and the application of Treaty principles in respect of engagement, have not been applied to Te Korowai.*

12. At paragraph 56 he states: "...I do not disagree with the possibility that agencies find settled iwi authorities convenient to engage with."

13. At paragraph 56 he also states:

*"In my opinion, addressing these matters relies on more than satisfying the interests of the runanga. The rights and interests of Te Korowai, via ancestral connection to the land is not in question, and the responsibility to consult, in order to attempt to avoid, remedy, mitigate, offset or compensate the losses they have identified, has not been taken up by the applicant, nor fully addressed in the officer reports from TRC and NPDC."*

14. At paragraph 61 he states:

*"I have assumed, for the purposes of my examination, that when Mr Dreaver speaks of Ngaati Tama interests he is talking about the Ngaati Tama runanga, not the legitimately formed Te Korowai, or its membership who whakapapa to both the land and runanga."*

15. At paragraph 65 he states:

*"In my opinion, Te Korowai has engaged in the NoR and resource consent process, where other iwi have not. They have articulated a range of legitimate concerns through their submission and engagement (where this opportunity has been provided). The membership has demonstrated whakapapa links to the land affected by the roading proposal, and they have made these undertakings in the light of a dysfunctional runanga, which the NZTA has chosen to deal with in preference to other Maori or hapu interests. Mr Dreaver concludes his expert statement by identifying that NZTA will continue to work with the runanga to refine and agree consent conditions."*

## **TERMINOLOGY**

16. Mr Carlyon seems to confuse or conflate Te Runanga o Ngāti Tama and the membership of Ngāti Tama.

17. For the avoidance of doubt, the Transport Agency has consistently through the course of the Te Ara o Te Ata/Mt Messenger Project taken the view that the Project affects both:

- (a) the cultural interests of Ngāti Tama members; and
  - (b) the proprietary interests of Te Runanga o Ngāti Tama as landowner (through the Custodian Trustee).
18. The Transport Agency has therefore engaged with Te Runanga in several capacities: as the representative of its members, as kaitiaki of the Ngāti Tama rohe and as landowner of affected land.

#### **TE RUNANGA O NGĀTI TAMA**

19. Te Runanga o Ngāti Tama was established in 2003 as a post settlement governance entity on behalf of all individuals who whakapapa to Ngāti Tama. After being approved by relevant Ministers as an appropriate body, Treaty settlement legislation was enacted that provided Te Runanga with Treaty settlement assets and a range of legal rights. Te Runanga continues to carry out those Treaty settlement functions today.
20. Te Runanga also carries out numerous other functions, and is recognised by Crown agencies as the appropriate body to engage with over the interests of Ngāti Tama in Taranaki, in contexts ranging from further Treaty settlement negotiations (over Taranaki Maunga) to regional development.
21. Mr Carlyon's observation that there are 'questions about representation' is no more than a recognition that there is currently a dispute between some of the trustees. Disputes among trustees are not unusual in Māori organisations and are certainly not unique to Ngāti Tama. I am not aware that Mr Carlyon has any authority or expertise to provide expert opinion on the legitimacy of Te Runanga itself. I wish to be clear that it is not a question, as Mr Carlyon suggests (at paragraph 56), that the Transport Agency simply finds Te Runanga to be "*convenient to engage with*". To the contrary, Te Runanga is the legitimate entity to represent Ngāti Tama and is mandated by legislation. On the basis of my experience, I can confirm that it is entirely appropriate for the Transport Agency to engage with a mandated post settlement governance entity such as, in this case, Te Runanga.

#### **ENGAGEMENT WITH TE KOROWAI**

22. Contrary to Mr Carlyon's assertion, consultation with Te Korowai has not come belatedly.
23. Engagement with Te Runanga o Ngāti Tama on this Project began in 2016. Amos White, Lisa White and Tahu White, who later became Te Korowai representatives, were part of that engagement until their suspension as Trustees.
24. As I note in my EIC, following the suspension of Amos White, Lisa White and Tahu White, Te Runanga continued to provide regular updates to those

suspended Trustees, an approach that was supported and encouraged by the Transport Agency.

25. The West Coast North Island Coastal Protection Society Incorporated was incorporated only on 26 February 2018. It lodged a submission (in the name of Te Korowai) on the Mt Messenger applications on the following day. On 6 March 2018 the Society changed its name to Te Korowai Tiaki O Te Hauauru Incorporated. I attach to this evidence as Appendix 1 a copy of the Certificate of Incorporation for Te Korowai.
26. As noted above, engagement with Te Runanga had commenced back in 2016, and I do not agree with any criticism of the Transport Agency for not consulting with an entity that was constituted only the day before submissions on the Project closed.
27. The Te Korowai submission refers to hapū of Ngāti Tama. As stated in my EIC, the Transport Agency is not aware of any extant hapū of Ngāti Tama – instead Ngāti Tama has operated as a single iwi for many generations, well over a century. I refer to and rely on the evidence of Mr Greg White at paragraphs 14-16. Consequently, there have been no hapū for the Transport Agency to engage with.
28. As I state in my EIC, after the Te Korowai submission was lodged the Transport Agency encouraged Te Runanga to invite Te Korowai representatives to hui at which they could learn more about the Project and its effects and engage directly with the Transport Agency. Te Korowai representatives attended a 2 June 2018 hui at Pukearuhe marae where the Transport Agency presented to Ngāti Tama members and answered questions.
29. On 24 July 2018 I attended a meeting between the Transport Agency and Te Korowai representatives. At that meeting the Transport Agency provided an overview of the Project, its effects and proposed mitigation direct to Te Korowai representatives. Although this meeting occurred shortly before the start of the hearings, it was a culmination of many weeks of engagement with Te Korowai.
30. I have been advised that Te Korowai representatives also attended the AGM of Te Runanga o Ngāti Tama on 28 July 2018. I am not aware whether the Project was discussed at that hui.

**Michael Peter John Dreaver**

**30 July 2018**

**APPENDIX 1: Te Korowai Certificate of Incorporation**

**[separate document]**