

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Resource Consents and Notices of Requirement for the Central Interceptor main project works under the Auckland Council District Plan (Auckland City Isthmus and Manukau Sections), the Auckland Council Regional Plans: Air, Land and Water; Sediment Control; and Coastal, and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

**STATEMENT OF EVIDENCE OF GARRY WILLIAM MASKILL ON BEHALF OF
WATERCARE SERVICES LIMITED**

CULTURAL / CONSULTATION

1. INTRODUCTION

- 1.1 My name is Garry William Maskill. I am the Statutory Planning Manager for Watercare Services Limited ("**Watercare**").
- 1.2 I have been employed by Watercare since 1 July 2005. I am authorised to give this evidence on behalf of Watercare.
- 1.3 I have graduated with the degrees of Bachelor of Arts in Economics and Geography from Victoria University, Master of Business Administration (with distinction) from Waikato University and a Postgraduate Diploma in Town Planning from Auckland University. I have been a full member of the New Zealand Planning Institute since 1976 and an associate member of the New Zealand Institute of Management since 1989.

- 1.4 I have been involved in environmental planning and resource management for the past 40 years, in various roles and projects, some of which have included participative and collaborative planning processes. These roles include urban renewal and community planning with the Wellington City Council, and as the City Planner and Director of Regulation and Planning with the Papakura District Council.
- 1.5 Whilst employed by the Papakura District Council, one of my roles was to support the Māori Standing Committee which was a full committee of the Council. This committee consisted of a mixed membership of elected and Māori representatives and was established to advise the Council on issues of concern/interest to the Māori population of Papakura.
- 1.6 From 2002 to 2012, I provided administrative and relationship support to the Māori Advisory Group, which operated in an advisory support role to Watercare. More recently I have assisted with the establishment of the Mana Whenua Kaitiaki Forum, which includes 13 of the 19 Iwi of Tāmaki Makaurau. The Forum has recently signed a Relationship Agreement with Watercare aimed at achieving the mission of Kaitiakitanga Mauri.

Involvement in the Central Interceptor Project

- 1.7 I have been involved in the Central interceptor Project ("**Project**") since Watercare started preparing to lodge notices of requirement and resource consent applications for the Project.
- 1.8 My role in the Project has been primarily to:
- (a) ensure that Watercare fulfils its obligations under Part 2 of the Resource Management Act 1991 ("**RMA**") with regard to Māori; and
 - (b) co-ordinate the consultation process with Māori on behalf of Watercare.

Scope of evidence

- 1.9 My evidence includes the following matters:
- (a) executive summary (Section 2);
 - (b) the consultation process undertaken by Watercare (Section 3);
 - (c) response to issues raised in submissions received from Iwi (Section 4);
 - (d) the relevant statutory framework (Section 5);
 - (e) relevant Iwi documents (Section 6);
 - (f) comments on the Council's Pre-hearing Report (Section 7); and
 - (g) conclusions (Section 8).

2. EXECUTIVE SUMMARY

- 2.1 Watercare has carried out a thorough process of consultation with relevant Mana Whenua. Mana Whenua were identified, visited and provided with information, at both summarised and detailed levels. Further engagement occurred where the relevant Mana Whenua expressed interest.
- 2.2 Watercare's relationship with Iwi throughout Tāmaki Makaurau is founded on agreed and documented values which are set out below. The main issues raised by the Project are regularly discussed by Iwi and Watercare, in both general and project specific contexts. For example, the concerns Iwi have for discharges of wastewater to the streams, rivers and coastal areas and the options and constraints for avoiding or mitigating those concerns are regularly discussed.
- 2.3 Watercare welcomes ongoing discussions with the groups that have lodged submissions on the Project and envisages that this will continue throughout the statutory phase and beyond that into the detailed design and construction stages. Watercare also welcomes input from other Mana Whenua entities that may wish to address specific matters of interest to them at the time of detailed design and construction.

- 2.4 Consultation records, the RMA, Auckland Council regional and district plans, Environment Court findings and other statutory and non-statutory documents have been referenced and applied by Watercare to evaluate the Project from a cultural heritage perspective.
- 2.5 In accordance with an organisation wide policy, Watercare is committed to a relationship with Iwi that is based on:
- (a) Relationship Building - Building understanding and enhancing the inter-relationship between Mana Whenua and Watercare.
 - (b) Integrity - Ensuring cultural integrity and respect.
 - (c) Opportunities - Identifying opportunities of mutual interest and benefit.
 - (d) Best Practice - Advising on best practice for meeting the Mana Whenua Kaitiaki Forum's cultural, environmental, social and economic responsibilities.
 - (e) Efficiency - Establishing efficient, collective processes for building the relationship and engagement.
 - (f) Water as a taonga.
- 2.6 Watercare has strived, and will continue to strive, to meet its obligations to Iwi in accordance with the RMA under which it operates, the Relationship Agreement it has with the Mana Whenua Kaitiaki Forum, and agreements that it has with specific Iwi.
- 2.7 Watercare has processes in place for engagement with Iwi and the consultation required by those processes has occurred in relation to the Project. Watercare will continue to engage with relevant and interested Iwi and Hapu to address the concerns they have raised to the extent practicable. Watercare welcomes consultation and the involvement of Iwi throughout the detailed design and construction phase of the Project and beyond.

3. THE CONSULTATION PROCESS UNDERTAKEN BY WATERCARE WITH MANA WHENUA

Background

- 3.1 From the commencement of the Project, Watercare has recognised the importance of involving Hapu and Iwi. In light of this, Watercare made a presentation to the (former) Watercare Māori Advisory Group ("**MAG**") in February 2012. The MAG consisted of ten Māori, appointed to assist Watercare with its projects and engagement with Mana Whenua and Mataawaka.
- 3.2 The MAG pointed to a number of issues for the Watercare project team to consider in the design of the system and in preparing the resource consent application. These matters were:
- (a) The integrity of the Central Interceptor tunnel, particularly in the location of the Manukau Harbour.
 - (b) The earthquake design standard of the system.
 - (c) The merits of retaining a combined system versus separating the stormwater system from the wastewater system.
 - (d) The visibility of the air ventilation structures.
- 3.3 The MAG advised Watercare to engage directly with Mana Whenua with the aim of identifying any issues they may have with the Project. I explain in detail below the direct engagement with Mana Whenua that has taken place.
- 3.4 I also note the recent establishment of the Mana Whenua Kaitiaki Forum. The Forum's newly established role (through the Relationship Agreement with Watercare), will enable kaitiaki procedures for the implementation of major projects, such as the Project, to be monitored by the Forum. Any performance issues can be raised directly with Watercare's senior management at the quarterly meetings of the Forum.

Objectives

- 3.5 Watercare established objectives for consultation with Mana Whenua in relation to the Project at an early stage in the planning process. The consultation methodology and objectives identified were:

- (a) To initially identify and make contact with all of the relevant Mana Whenua authorities.
 - (b) To provide personal contact and information to the authorities by way of initial meetings.
 - (c) Following the initial meetings, offer to meet with the relevant authorities to further discuss issues of interest.
 - (d) To resource their engagement with Watercare.
 - (e) If requested, to engage in a collaborative way aimed at achieving a complete understanding of the matters raised, along with consideration of ways the matters may be addressed.
 - (f) To provide feedback on the extent to which Watercare considers the application adequately addresses the matters raised, or alternatively, how Watercare intends to resolve matters that the application does not adequately address.
 - (g) To provide advice and assistance with the consultation process.
- 3.6 To ensure that consultation was carried out in accordance with best practice, Watercare engaged the services of two local Māori consultants, Ngarimu Blair and Tahuna Minhinnick:
- (a) Ngarimu Blair is of Ngāti Whātua descent and was engaged for his knowledge of and experience with the Auckland Isthmus and northern areas of Auckland.
 - (b) Tahuna Minhinnick is of Ngāti Te Ata descent and was engaged for his knowledge of and experience with the South Auckland area and the Manukau Harbour.
- 3.7 Mike Sheffield, the Project Manager until September 2012, briefed Mr Blair and Mr Minhinnick on the Project, including a site visit along the proposed alignment.
- 3.8 Mr Blair has provided advice and assistance with arranging initial meetings with Ngāti Whātua and Hauraki Iwi. He also attended some of the meetings to introduce Watercare staff to the Iwi representatives and to provide quality assurance with respect to cultural protocols.

- 3.9 Mr Minhinnick has assisted in providing advice on initial meetings with Ngāti Tamaoho, Ngai Tai ki Tamaki, Te Ākitai and Ngati Paoa and with arranging meetings with Ngāti Te Ata representatives at Waiuku.
- 3.10 Watercare has a Memorandum of Relationship with Waikato-Tainui Te Kahunganui Incorporated and has engaged with Tim Manukau, the Environmental Manager of Waikato Raupatu River Trust.

Affected and interested Mana Whenua groups

- 3.11 The following groups (and contact persons) were identified as affected or interested Mana Whenua groups in relation to the Project:
- (a) Ngāti Whātua o Ōrākei – Malcolm Paterson.
 - (b) Te Rūnanga o Ngāti Whātua – Tame Te Rangi.
 - (c) Ngāti Te Ākitai Waiohua– Karen Wilson, David Wilson and Nigel Denny.
 - (d) Ngāti Te Ata – Dame Nganeko Minhinnick, Te Pou Minhinnick and Tahuna Minhinnick.
 - (e) Te Ahiwaru (Makaurau Marae) – Janice Roberts.
 - (f) Te Kawerau a Maki – Te Warena Tau and Jeff Murray.
 - (g) Ngāti Tamaoho – Dennis Kirkwood, Warahi Paki and Lucie Rutherford.
 - (h) Ngai Tai ki Umupuia – David Beamish.
 - (i) Ngāti Paoa – Lucy Tukua.
 - (j) Ngāti Maru – William Peters.
 - (k) Patukirikiri – William Peters.
 - (l) Waikato-Tainui – Tim Manukau.

Consultation process

- 3.12 Consultation with the relevant Iwi was initiated in early 2012, and continued with those Iwi that wished to further discuss matters of interest or concern to them. The Iwi that Watercare has continued to engage with up until the time

when submissions were lodged include: Te Ākitai Waiohua, Ngai Tai ki Tamaki, Ngāti Tamaoho, Ngāti Paoa and Ngāti te Ata. The last four of these Iwi met collectively with Watercare, and Te Ākitai has met separately with Watercare.

- 3.13 Following the closing date of submissions the engagement has focussed on Te Ākitai Waiohua, who provided specific and detailed information on their concerns. For reasons explained more fully later in my evidence, discussions with Ngāti Tamaoho and Ngai Tai Ki Tamaki were unable to progress any further because of their fundamental principled position on the Project. Watercare respects their position, which is a matter of principle, but does not agree with or accept it.
- 3.14 The table attached to my evidence as **Appendix A** provides a summary of the consultation meetings that have been held with Iwi. The consultation programme consisted of Watercare visiting Iwi representatives and presenting the Project to them in a power point format. One of these presentations is attached to my evidence as **Appendix B** and included the opportunity to discuss matters arising from the presentation and for further meetings to be held if requested by the Iwi. In my opinion the consultation carried out by Watercare has provided relevant Iwi Authorities with the opportunity to:
- (a) Understand the reasons for and technical aspects of the Project.
 - (b) Obtain additional information.
 - (c) Continue to engage with Watercare if they desired to do so.
 - (d) Receive support and funding for their time spent on engaging with Watercare.
 - (e) Provide information on protecting cultural heritage.
 - (f) Identify and discuss other issues relating to air, land and water that are of concern to them.
 - (g) Obtain feedback from Watercare on the extent to which Watercare is able to address their concerns.

3.15 Watercare is committed to working with those Iwi that request further involvement in the Project. This involvement might include:

- (a) Monitoring of cultural heritage in areas where surface ground disturbance work is to be undertaken and where Mana Whenua advise the potential for archaeological discovery.
- (b) Input into the landscape design of the Emergency Pressure Relief ("EPR") structure at the proposed Mangere Pump Station.
- (c) Acknowledgement and actualisation of the Mana Whenua Kaitiaki role throughout the implementation of the Project.
- (d) Identifying opportunities to incorporate riparian planting and stream enhancement in the Site Reinstatement Plans.

4. RESPONSE TO SUBMISSIONS FROM IWI

4.1 Submissions have been received from the following Iwi and hapu groups:

- (a) Te Ākitai Waiohua Waka Taua Trust on behalf of:
 - (i) Ngāti Pare Waiohua;
 - (ii) Ngāti Pou Waiohua; and
 - (iii) Te Ākitai Waiohua;
- (b) Ngāti Tamaoho; and
- (c) David Beamish on behalf of Ngai Tai Ki Tamaki Tribal Trust.

4.2 In this section I outline the principal matters contained in each of the submissions and, where appropriate, my response to each of these. Many of these matters are of a technical nature, and are therefore outside of my area of expertise. These technical matters will be addressed by Watercare's technical experts. To assist, **Appendix C** sets out each of the points raised in the submissions lodged by Iwi and Hapu and referred to the relevant Watercare expert witness whose evidence addresses the point or concern raised.

Te Ākitai Waiohua Waka Taua Trust

- 4.3 Watercare received three submissions dated 3 December 2012 from Te Ākitai Waiohua Waka Taua Trust on behalf of Ngāti Pare Waiohua, Ngāti Pou Waiohua and Te Ākitai Waiohua, as well as 23 undated submissions on 8 October 2012 from the Te Ākitai Waiohua Waka Taua Trust.
- 4.4 Te Ākitai expressed an interest in discussing whether the matters raised in their submission could be further addressed by Watercare. Watercare has discussed the matters raised in their submission with them on three separate occasions. Following the meeting on 3 May 2013 between Te Ākitai and Watercare, Watercare wrote to the Chair of Te Ākitai, which specifically addressed four principal issues raised by Te Ākitai at the meeting. A copy of the letter is attached as **Appendix D** and explains Watercare's position on those issues.
- 4.5 The technical aspects of the Te Ākitai submissions are addressed in the evidence of Mr Munro and Mr Cantrell. My role in the consultation process has been to ensure that Te Ākitai has had the opportunity to discuss the issues raised in their submission with Watercare and to facilitate this discussion. I am satisfied that this has been achieved.
- 4.6 The submissions lodged by Te Ākitai focus on an increase in discharge of wastewater "into the already stressed waters of the Manukau Harbour". Te Ākitai specify seven aspects of the Project for decision by the Consent Authority. Watercare acknowledges the concerns raised by Te Ākitai and is grateful for the constructive engagement and approach the Iwi has taken to engaging with Watercare on the Project. Subject to the outcomes of any further discussions with Te Ākitai, Watercare's response to their submission is set out in the following table:

Kaitiaki Concerns	Watercare Response
Additional flows to the Mangere Wastewater Treatment Plant (" Mangere WWTP ").	Mr Munro and Mr Cantrell address this concern in their evidence. In summary, Watercare considers that the flows to the Mangere WWTP will not adversely affect the waters of the Manukau Harbour. The discharge volumes to the harbour will remain within the current resource consent, which expires in 2032. The quality of the consented discharge will be maintained and enhanced

	<p>by upgrades to the Mangere WWTP in accordance with the Mangere WWTP Master Plan. These major projects are listed in the table included in the letter from Watercare to the Chair of Te Ākitai dated 15 May 2013 as referred to in paragraph 4.4 above.</p>
<p>Discharge from the EPR structure.</p>	<p>Mr Cantrell and Mr Roan address this concern in their evidence. In summary, the EPR structure has been designed to a standard where the probability of it being activated is very low. Based on conservative assumptions, the EPR is unlikely to activate more than once in 50 in years. If activation did occur, procedures to ensure public health and safety were not put at risk would be carried out in accordance with Watercare's standard procedures and the Emergency Pressure Relief Discharge Management Plan and Discharge Monitoring Plan set out in conditions 10.4, 10.5, 10.6, 10.8, and 10.9 of Watercare's proposed consent conditions, attached to the evidence of Ms Petersen.</p>
<p>Commitment to the construction of the additional planned projects over the next 20 years at the Mangere WWTP.</p>	<p>Mr Munro addresses this concern in his evidence. In summary, the additional planned projects are identified in Watercare's Asset Management Plan, approved by Watercare's Board.</p>
<p>The need for clarification and certainty around what offsets, remediation and mitigation will be implemented as part of the Project in the event that undiluted wastewater discharges to the Manukau Harbour.</p>	<p>The Project will significantly reduce the risk of undiluted wastewater discharges to the Manukau Harbour. One of the key drivers for the Project is to provide an alternative structure to the existing Manukau Siphon, which is 55 years old and unable to be inspected to determine its specific condition. Mr Munro addresses this matter in his evidence.</p> <p>In the event of a discharge, procedures to ensure public health and safety are not put at risk would be carried out in accordance with Watercare's standard procedures and the Wastewater Overflow Regional Response Manual (May 2013).</p> <p>I note that the Central Interceptor tunnel is located well below the floor of the Manukau Harbour and there are no planned overflows into the Manukau Harbour from the Project. However, there is a need for an EPR structure at the proposed Mangere Pump Station. The potential</p>

	<p>for this structure to discharge has been referred to above and is considered to be a very unlikely event. I would also note that the Project will result in the removal of the existing Pump Station 23 which is located on the Hillsborough side of the Manukau Harbour. The pump station at Kiwi Esplanade will also be connected to the Central Interceptor tunnel, by a drop shaft thereby enabling both of these connections to minimise or "de-risk" the potential for discharges at these locations due to mechanical or power failures.</p> <p>To summarise, the Project significantly reduces the risk of undiluted wastewater discharging to the harbour and there are appropriate procedures in place to manage a discharge in the unlikely event it occurs, from the only discharge structure from the Central Interceptor to the Manukau Harbour, being the EPR structure at the proposed Mangere Pump Station.</p>
<p>The need for clarification and certainty around what remediation and mitigation will be implemented to offset increased wastewater discharges to the Manukau Harbour that will occur as a result of the Project.</p>	<p>As covered in the evidence of earlier Watercare witnesses, flows into the Mangere WWTP from the Central Interceptor will be treated and discharged within the limits and conditions of the plant's current consents, which are valid through to 2032.</p>
<p>The need for Watercare commitment to a timetable for the construction and operation of the Biological Nutrient Removal Plant, Wet Weather Treatment Facility and Northern Interceptor within a set timeframe as part of a mitigation package.</p>	<p>As covered in the evidence of Mr Munro, the additional planned projects are identified in Watercare's Asset Management Plan, approved by Watercare's Board.</p>
<p>A partnership agreement with Watercare in relation to the occurrence of the above matters.</p>	<p>Watercare has presented a draft of an agreement for Te Ākitai's consideration. At the time of preparing my evidence the draft agreement was still being considered by Te Ākitai.</p>

4.7 In addition, the 23 pro-forma submissions from Te Ākitai all identify a concern that consultation with Tangata Whenua has been insufficient. This matter was covered earlier in Section 3 of my evidence.

Ngāti Tamaoho

4.8 Ngāti Tamaoho lodged a submission opposing the Project. Ngāti Tamaoho opposes the Project for the following reasons:

- (a) The notice of requirement fails to address or mitigate the adverse environmental effect on the Manukau Harbour in terms of:
 - (i) ecological values;
 - (ii) cultural and spiritual values; and
 - (iii) public health.
- (b) The Project will significantly increase the volume of "freshwater" discharged to the Manukau Harbour instead of the Waitemata Harbour.
- (c) The full impacts of the Project on the Manukau Harbour have not been thoroughly investigated.

4.9 I note that the additional stormwater flows conveyed via the Central Interceptor will be less than 2% of the total volume treated at the Mangere WWTP, as outlined in the evidence of Mr Munro and Mr Cantrell.

4.10 The Ngāti Tamaoho submission is general and does not raise issues that were not already considered at meetings held prior to the submission process. It states that the submission will be expanded in more detail at the hearing. To date, Watercare and Ngāti Tamaoho have been unable to progress discussions further. Watercare is always open to engaging in further discussions with Ngāti Tamaoho to discuss any matter of specific concern to them.

4.11 Watercare will continue on-going engagement throughout the detailed design and construction stages of the Project to ensure that Iwi can fulfil their Kaitiaki role as Mana Whenua and so that Watercare has certainty that cultural heritage, waahi tapu and other matters are properly taken care of.

The technical aspects of the submission have been addressed in the evidence of Mr Munro, Mr Cantrell and other Watercare witnesses.

Ngai Tai Ki Tamaki Tribal Trust¹ - David Beamish

4.12 The Ngai Tai Ki Tamaki Tribunal Trust submission is identical to the Manukau Harbour Restoration Society ("**MHRS**") pro forma submission. The Trust opposes the notice of requirement and consent applications for the Project and seeks that Watercare withdraws both, or alternatively, that they be modified or amended (including conditions) to give effect to the concerns outlined in the submission. The concerns set out on the MHRS pro forma submission are:

- (a) It is contrary to, and inconsistent with, section 5 of the RMA, in particular relating to avoiding remedying or mitigating any adverse effects of activities on the environment.
- (b) It is contrary to, and inconsistent with, section 7 of the RMA in terms of the Manukau Harbour, relating to:
 - (i) The maintenance and enhancement of amenity values.
 - (ii) The intrinsic values of the ecosystems.
 - (iii) The maintenance and enhancement of the quality of the environment.
- (c) It does not address or mitigate the adverse environmental effect on the Manukau Harbour, in terms of public health, ecological values, amenity values, cultural values and costs.
- (d) It is not in accordance with the objectives and policies of the New Zealand Coastal Policy Statement 2010 in terms of discharges and potential overflows to the Manukau Harbour.
- (e) It does not include any work that will avoid or mitigate any actual or potential discharge or overflow of wastewater to the CMA of the Manukau Harbour.
- (f) It does not include adequate information to support the statement that the work is within the scope of the existing designation for the

¹ The submission matters and decision sought are the same as other submitters who signed this form which focuses on the Manukau Harbour.

Mangere WWTP and especially the capacity of the network (existing and proposed), hydrological modelling, including discharge capacity, and potential discharge from the emergency outlet.

- (g) It is inconsistent in the assessment of the reduction of average annual wastewater discharge for wet and dry weather events.
- (h) It is inconsistent with Auckland Council policy relating to population growth (intensification and containment within the existing urban area).
- (i) It does not include provision of work which will reduce or mitigate the discharge of overflows from existing outlets and network into the Manukau Harbour.

4.13 By using the MHRS pro forma submission, the matters raised are the same as those raised by a large number of other submitters, who have also signed the same form generated by MHRS. The submission does not specifically mention sections 6 (e), 7 (a) or 8 of the RMA.

4.14 Mr Beamish has attended a number of meetings with Watercare and other Iwi to discuss the Project. Watercare is always open to engaging further with Ngāi Tai Ki Tamaki to discuss any matter of specific concern to them. As noted above, Watercare will continue on-going engagement throughout the detailed design and construction stages of the Project to ensure that Iwi can fulfil their Kaitiaki role as Mana Whenua and so that Watercare has certainty that cultural heritage, waahi tapu and other matters are properly addressed. The planning and technical aspects of the submission are addressed in the evidence of Mr Munro, Mr Cantrell and other Watercare witnesses.

4.15 With respect to the matters raised in the submission, the Project is fundamentally concerned with avoiding the risk of infrastructure failure, ensuring capacity is available in a critical part of the wastewater network to accommodate Auckland's growth, and significantly reducing the volume and frequency of discharge of untreated wastewater to the streams, rivers and harbours. It will also enable the removal of Pump Station 23 from the Hillsborough coastal location and the pump station from Kiwi Esplanade Reserve. The Central Interceptor will require only one new discharge structure into harbour waters and this is to be located at the proposed

Mangere Pump Station located on Watercare land at the Mangere WWTP. The proposed Mangere Pump Station is designed with substantial safeguards to ensure a very infrequent probability of discharge from the EPR structure (1 in 50 years conservative estimate). Management and monitoring conditions have been prepared to ensure the risk of a discharge is avoided except in the rare event of an emergency after all reasonable systems and measures to avoid a discharge have been applied.

5. RELEVANT STATUTORY MATERIALS

Resource Management Act 1991

- 5.1 Sections 6(e), 6(f), 7(a), 7(aa) and 8 of the RMA recognise and provide for Tangata Whenua interests.

Section 6(e) – The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

- 5.2 Watercare has engaged with Mana Whenua in a number of presentations and meetings in order to explore the potential effects of the Project. Many of the Iwi have recognised the benefits the Project will deliver to the quality of water in the rivers and streams that flow to the Waitemata Harbour. There is also recognition of the potential for stream enhancement works to be carried out by Auckland Council once the Project is implemented.
- 5.3 The Iwi that have submitted in opposition to the Project have concerns about the effects on the Manukau Harbour. Their concerns focus on the additional flows to the Mangere WWTP that will result from the collection of wastewater that currently overflows from the combined wastewater and stormwater systems into the Meola Creek and Meola Creek estuary. The technical aspects of the Iwi concerns are addressed in the evidence of Mr Munro, Mr Cantrell, and other Watercare witnesses. Watercare acknowledges the Iwi concerns but considers that the significant benefits of the Project far outweigh any potential adverse effects. The additional flows are a very small portion (only around 2%) of the flows that are already being conveyed to the Mangere WWTP, and are within the discharge limits provided for by the existing discharge consent, which has a current term through to 2032.
- 5.4 The concern relating to the proposed Mangere Pump Station, which is to be located on Watercare's site at the Mangere WWTP, has also been fully

considered, including consideration of alternative methods. Watercare considers that it has adopted an appropriate response to the potential effects of discharges from this facility, has mitigated potential effects as far as is reasonably practicable and meets the legal tests of section 6(e).

- 5.5 Iwi have not pointed to any particular sites, waahi tapu, or other taonga that may be affected by the construction of the Project. However Watercare supports on-going engagement with Iwi throughout the design and construction phases of the Project so as to ensure that cultural heritage and other matters of concern to Iwi are appropriately managed and that enhancement opportunities are identified.

Section 6(f) – the protection of historic heritage from inappropriate subdivision, use, and development

- 5.6 Section 6(f) of the RMA requires that, in achieving the purpose of the RMA, all persons exercising functions or powers shall recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development. Watercare has established the basis for meeting this provision. In summary, Watercare:

- (a) has commissioned an archaeological investigation and report;
- (b) has engaged cultural consultants;
- (c) is undertaking an on-going consultation programme with Mana Whenua;
- (d) has carefully considered formal submissions;
- (e) has proposed a condition on the designations and consents outlining the protocols to be followed should any accidental discoveries occur; and
- (f) has avoided locating construction sites in areas of historic heritage.

- 5.7 Watercare has recognised and provided for the protection of historic heritage from any potential adverse effects associated with the Project and will continue to do so.

Section 7(a) and (aa) – Kaitiakitanga and the ethic of stewardship

- 5.8 Section 7(a) and (aa) of the RMA require that, in achieving the purpose of the RMA, all persons exercising functions or powers shall have particular regard to Kaitiakitanga and the ethic of stewardship.
- 5.9 Being charged with the safe and sustainable operation of Auckland's wastewater system, along with its responsibility to operate a cost efficient wastewater system, Watercare is aware of environmental stewardship responsibilities and has a sound track record of environmental rehabilitation.
- 5.10 The Project is aimed at substantially improving and reducing risks of adverse effects on watercourses and the harbours within the Central Interceptor catchment area. As such, in exercising its responsibilities, Watercare is having particular regard to Kaitiakitanga and the ethic of stewardship.

Section 8 –Treaty of Waitangi

- 5.11 Section 8 requires all persons exercising functions and powers under the RMA to take into account the principles of the Treaty of Waitangi. While there is no comprehensive or authoritative list of principles, it is commonly considered that, in the RMA context, the two key principles to be taken into account are:
- (a) the need for consultation with Tangata Whenua; and
 - (b) the principle of "active protection".
- 5.12 As I have described earlier in my evidence, Watercare has recognised Mana Whenua interests within the Central Interceptor catchment area and has comprehensively sought to actively engage Mana Whenua in consultation processes. Watercare has provided full information about the Project so that those consulted are able to understand what is being proposed.
- 5.13 Various cultural matters have been raised by Iwi with respect to the Project and Watercare remains committed to on-going engagement with Mana Whenua on matters of interest or concern to them.

- 5.14 I consider that Watercare has taken into account, and will continue to take into account, the principles of the Treaty by:
- (a) continuing to engage with Iwi that wish to be involved in the Project;
 - (b) endeavouring to avoid works in areas of known cultural and archaeological significance;
 - (c) ensuring that a place and role is provided for Iwi in the monitoring of works in areas identified by them as culturally sensitive;
 - (d) continued recognition of Kaitiakitanga;
 - (e) proposing and following appropriate cultural protocols including protocols relating to accidental discovery;
 - (f) recognising opportunities for Kaitiaki initiatives such as riparian planting and stream enhancement as more detailed planning is undertaken; and
 - (g) continuing to investigate ways to avoid or mitigate adverse effects of the wastewater system on the environment, including through technical enhancements as these become available and affordable.

Auckland Council Regional Policy Statement

- 5.15 Policy 3.4.1 is the most relevant policy in Chapter 3 of the Auckland Regional Policy Statement. It states that:

Waahi tapu and other ancestral taonga of special value to Tangata Whenua shall, where agreed by Tangata Whenua, be identified, evaluated, recognised and provided for in accordance with Tikanga Maori, and given an appropriate level of protection.

- 5.16 The consultation process undertaken by Watercare is outlined earlier in my evidence. Watercare remains committed to working with Mana Whenua throughout the planning and construction period of the Project to ensure that sites and other matters of significance to Mana Whenua are identified and that appropriate protection measures are taken.

Auckland Council Proposed Regional Plan: Air, Land and Water

5.17 Section 2.3 of the Auckland Council Proposed Regional Plan: Air, Land and Water ("**Regional Plan**") refers to matters which relate to the relationship of tangata whenua with the management of air, land and water resources.

5.18 Under the heading of "issues" (Clause 2.3.2.1) the Regional Plan states that "Tāngata Whenua are concerned that processes and activities are adversely affecting relationships of Tāngata Whenua and their culture and traditions with their ancestral taonga". Issues of concern to Tangata Whenua, identified in the Regional Plan to date, and which I consider may be relevant to the Project, include:

The potential for koiwi or artefacts to be uncovered or for other waahi tapu to be damaged or destroyed during land disturbing activities. Tāngata Whenua want to monitor land disturbance activities and be consulted immediately in such an event; ...

5.19 Clause 2.3.2.2 concerns the direct and effective Mana Whenua involvement in managing their ancestral taonga. The methods identified in the Regional Plan, which are relevant to the Project, include:

Supporting and protecting Kaitiaki initiatives, including rahui and whakatapu, and monitoring, enforcement and enhancement programmes;

Ensuring proactive and quality consultation occurs between Tāngata Whenua, applicants and local authorities;

Ensuring quality information is available regarding Tāngata Whenua interests; and

Increasing the representation of Tāngata Whenua interests in decision making, including the use of Hearing Commissioners with recognised expertise in Tikanga Maori, where appropriate.

5.20 The key policies included in the Regional Plan are set out in Clause 2.3.4.2 and are:

Sites and areas of special value to Tāngata Whenua, which are not identified in accordance with Policy 2.3.4.1, shall be managed by avoiding where practicable, remedying or mitigating adverse effects on the qualities, elements and features which contribute to the values of these sites and areas, having regard to:

- (a) The significance of the site or area, taking into account:
 - i. Whether it is identified in any relevant Iwi planning document, recognised by an Iwi Authority;
 - ii. Whether it is identified in the Auckland Conservation Management Strategy;
 - iii. Whether it has been identified as being significant in any published archaeological or heritage report;
 - iv. Whether it is identified as being significant by Tāngata Whenua during consultation.
- (b) Whether any disturbance or modification would have significant or irreversible effects on the physical or cultural integrity of the site or area.
- (c) Whether the proposal will protect or enhance the cultural heritage, scientific, or amenity values of the site or area.
- (d) Physical or visual connections with other heritage sites or areas.

5.21 Watercare has responded to the issues, methods and policy matters of section 2.3 of the Regional Plan referred to above in the following ways:

- (a) Watercare has carried out a comprehensive programme of consultation and collaboration with the 12 Mana Whenua groups identified earlier.
- (b) An archaeological assessment has been undertaken for the route by Clough & Associates Ltd for Watercare. The report concludes that there should be no major constraints on the Project on archaeological grounds, as no known archaeological sites will be affected. The Archaeological Report² has been provided to all of the Mana Whenua Groups identified in section 3.12 of my evidence.
- (c) As a result of the issues raised in the archaeological assessment, consultation with Iwi and technical constraints, Watercare has chosen Kiwi Esplanade Reserve as the proposed site for the construction of the access shaft on this side of the Manukau

²

Attached as Technical Report D to the Central Interceptor Main Project Works Assessment of Effects on the Environment, dated August 2012.

Harbour, rather than the alternative (referred to as Option B in the Archaeological Report) site in Ambury Park.

- (d) Opportunities such as riparian planting have been discussed with Iwi and will be planned for and detailed at the design and construction phase of the Project, in collaboration with the landowners and Auckland Council's Parks, Sport and Recreation, and Stormwater divisions.
- (e) Watercare will continue to seek detailed advice from Iwi for surface works on sites that are located in the vicinity of recorded archaeological areas. These areas have been identified near the following construction sites: Western Springs, May Road and Kiwi Esplanade Reserve.

6. RELEVANT IWI DOCUMENTS

- 6.1 In this section I set out the key Iwi documents relevant to the Project and to consultation with Mana Whenua that have been considered by Watercare, and the extent to which I consider the Project and Watercare's engagement in relation to the Project is consistent with those documents.

*Report of the Waitangi Tribunal on the Manukau Claim (Wai 8)*³

- 6.2 I have reviewed the Report of the Waitangi Tribunal on the Manukau Claim (Wai 8) in relation to its relevance to the Project. The focus of the claim is on Manukau water rights, Māori land tenure, and obligations under the Treaty of Waitangi.
- 6.3 The Tribunal report specifically refers to the "Mangere Sewerage Purification Works" as follows:

Section 9.3.4: On the Mangere Sewage Purification Works.

We have no recommendation to make concerning the continued operation of the Mangere Sewage Purification Works other than that included in the "comprehensive" claim, that existing use discharges should be the subject of review. In the case of these works, the existing agreement is inadequate and there should be more appropriate conditions for monitoring the works performance.

...

³ *Waitangi Tribunal. 1989. Report of the Waitangi Tribunal on the Manukau Claim (Wai 8), 2nd Edition, Wellington, New Zealand.*

Section 10.15: Recommendations

Special consideration must now be given to the people of the Makaurau, Pukaki and Te Puaa Marae. In various degrees they have lost the greatest part of their traditional seafood resource and access to the harbour or have been affected by developments around them predating the year from whence our jurisdiction begins. The Makaurau people lost more than most.

- 6.4 Since the release of the Report of the Waitangi Tribunal in 1985, in consultation with Mana Whenua, Watercare commenced Project Wastewater 2000 ("**Project W2000**"). Project W2000 resulted in the removal of the Mangere WWTP Ponds, the upgrade of the Mangere WWTP to a high technical specification and the rehabilitation of the Manukau Harbour bed and coastal area. I have attached before and after photos of the Mangere WWTP (from 1995 and 2005) to illustrate the changes that have occurred within the area as a result of Project W2000 as **Appendix E**. The total cost of this upgrade was \$500 million, including \$100 million that was specifically allocated to Manukau Harbour and coastline restoration work. To advance Project W2000 a new designation was confirmed and resource consents were obtained. The principal consents, including the discharge consent, were granted through to 2032 and Watercare is operating within the conditions. These works clearly demonstrate Watercare's commitment to help achieve recommendation 10.15 of the Wai 8 Report in consultation with Mana Whenua.
- 6.5 As part of an ongoing programme of improvements at the Mangere WWTP, Watercare is currently adding a new Biological Nutrient Removal Plant to the Mangere WWTP at a cost of \$137 million and also plans to further upgrade the Mangere WWTP with a wet weather treatment facility at an estimated cost of \$74.3 million prior to the completion of the Project. Detail of these projects is set out in the evidence of Mr Munro.
- 6.6 A recent review of the Mangere WWTP was undertaken by an international panel of wastewater specialists who advised that the Plant was performing to a high standard and in accordance with international best practice.⁴
- 6.7 In summary, I consider that Watercare has responded positively and appropriately to the Report of the Waitangi Tribunal on the Manukau Claim.

⁴

Workshop of international experts held at the Mangere Treatment Plant January 2012.

*Waikato Iwi Management Plan*⁵

- 6.8 The Huakina Development Trust (1995) prepared the first Iwi management plan for the Manukau Harbour and its catchments. This plan was completed in 1996 and was then ratified by the Kaumatua of Nga Marae o Te Puaha ki Manuka and the Tainui Māori Trust Board. The plan was updated in 2007, as the Waikato Iwi Management Plan: Manukau 2007 ("**Waikato Plan**").
- 6.9 The Waikato Plan is presented in two Parts. Part A includes the introduction, content and overview of the Plan. Part B sets out three goals to establish and implement relationships that Waikato Tainui has identified as being essential to achieve the Plan. These three goals are to forge a relationship with:
- (a) the environment;
 - (b) our people; and
 - (c) external agencies.
- 6.10 The ultimate goal of the Waikato Plan is: "to see the well-being of our people and the health of our natural resources restored and managed wisely".⁶
- 6.11 The Waikato Plan also states that: "the only objective of the Waikato Iwi Management Plan is: The restoration and enhancement of the Manukau Harbour, its Catchments and the well-being of its people".⁷
- 6.12 Watercare has taken note of a number of the matters referred to in the water, air, land, Wahi Tapu, and artefacts and cultural value sections of the Management Plan. Further details on these matters is set out in **Appendix F**.
- 6.13 Watercare has forged relationships with Iwi that are specific to the Project and also a more general relationship with Iwi throughout the area within which it operates, including relationships that have been formalised through its Mana Whenua Kaitiaki Forum and relationships with individual Iwi and Hapu.

⁵ *Waikato Iwi Management Plan: Manuka 2007*. Prepared by Huakina Development Trust on behalf of Te Puaha Ki Manuka O Waikato. Huakina Development Trust.

⁶ Waikato Iwi Management Plan 2007 Pg 1.

⁷ Waikato Iwi Management Plan 2007 Pg 3.

- 6.14 Watercare has expended significant resources in enhancing the Manukau Harbour and this has been recognised in the Waikato Plan by way of the following statements:

Most concerns of the Mangere WWTP have been addressed by Watercare Services Limited.⁸

Watercare Services Limited has worked with our marae communities to see these areas rehabilitated and upgraded to the point where both the life force of the Harbour and the adjacent riparian margins are becoming rejuvenated. It has been a long journey from the Wai 8 hearing of the Manukau Claim before the Waitangi Tribunal but the results of our long struggle to restore the Mauri of our Harbour is finally beginning to bear fruit. This does not mean that there are still not huge obstacles before us. The ever increasing bulk of Auckland and its related infrastructure place ever increasing strains on our taonga.⁹

- 6.15 In conclusion, following the consultation feedback from Mana Whenua, the offer of on-going future engagement, and consideration of potential effects, I believe the relevant policies and implementation statements included in the Waikato Plan will be provided for by the Project. The Project will deliver significant environmental benefits to the streams, rivers and harbours including the Manukau Harbour. In particular the Project will significantly reduce the risks inherent in the continued reliance on the Manukau Siphon as the single source of wastewater conveyance from the western and Isthmus areas across the Manukau Harbour to the Mangere WWTP.
- 6.16 In addition the Project will enable the removal of pump stations on the Hillsborough and Mangere Bridge coastlines (Pump Station 23 and the pump station at Kiwi Espalande Reserve) which currently overflow into the harbour. The only potential new source of discharge to the Manukau Harbour from the Project will be the EPR structure. Based on conservative assumptions this structure is unlikely to activate more than once in 50 years and is essential to ensure that, under emergency situations, pressure can be safely released from the tunnel without causing damage to the pump station or tunnel structures or causing uncontrolled overflows from shafts along the tunnel alignment.

⁸

Waikato Iwi Management Plan 2007 Page 67.

⁹

Waikato Iwi Management Plan 2007 Page 16.

*Nгаа Tikanga O Ngaati Te Ata Tribal Policy Statement 1991*¹⁰

- 6.17 The aim of the Tribal Policy Statement for Ngaati Te Ata ("**TPS**") is to clearly state the social, cultural, environmental and political aspirations of Ngaati Te Ata. The TPS has four main purposes:
- (a) To lay down the kaupapa of Ngaati Te Ata.
 - (b) To define procedures for negotiation between Ngaati Te Ata and external agencies.
 - (c) To articulate Ngaati Te Ata tribal policy for external agencies.
 - (d) To identify obligations of external agencies to Ngaati Te Ata.
- 6.18 Section 6 (pages 43 to 57) provides clear statements about Ngaati Te Ata aspirations. A number of matters have been identified under the heading of 'Kaitiaki' (Sub-Section 6.3). Amongst others, these matters include natural and physical resources, land, raupatu, water, air, taonga, waahi tapu - urupa, and archaeological investigations.
- 6.19 Following the assistance, advise and consultation with Ngāti Te Ata on the Project, and consideration of potential effects both positive and adverse, I believe that the relevant policies and implementation statements included in the Ngaati Te Ata TPS will be met by the Project.

*Hauraki Iwi Environmental Plan 2004*¹¹

- 6.20 The Hauraki Plan covers issues, objectives and outcomes relating to:
- (a) The improvement of water quality and sustainable use of rivers and streams.
 - (b) The improvement of water and seabed quality in coastal waters.
 - (c) The protection of Waahi Tapu and cultural heritage sites.
 - (d) The participation of Hauraki Whanui in environmental decision making at all levels of government.

¹⁰ *Nгаа Tikanga O Ngaati Te Ata Tribal Policy Statement 1991*. Prepared by Awaroa ki Manuka Hoogonui.

¹¹ Hauraki Iwi Environmental Management Plan: March 2004.

6.21 Following the consultation feedback from Hauraki Iwi, (Ngāti Maru and Te Patukirikiri) on the Project, the offer of on-going future engagement, and consideration of potential effects, I believe that the relevant policies and implementation statements included in the Hauraki Iwi Management Plan will be met by the Project.

*Kawerau A Maki Trust Resource Management Statement 1995*¹²

6.22 The Kawerau A Maki Plan covers objectives and policies relating to:

- (a) Meeting their responsibilities as Kaitiaki.
- (b) Participating in all relevant aspects of resource management.
- (c) Ensuring the protection of cultural heritage.
- (d) Protecting and enhancing the food producing capacity of waterways and the coastal marine area.

6.23 Following the consultation feedback from Te Kawerau A Maki on the Project, the offer of on-going future engagement, and consideration of potential effects I believe that the relevant policies and implementation statements included in the Kawerau A Maki Trust Resource Management Statement will be met by the Project.

7. COMMENT ON COUNCIL PRE-HEARING REPORT

7.1 The Pre-hearing Report, at page 85, notes that Mr Forsman considers that the application should have included a Tangata Whenua Values Assessment, at the applicant's expense, and that simply relying on iwi submissions to highlight any inadequacies will not promote the best environmental outcomes. He also notes that three iwi have offered to prepare an assessment.

7.2 Mr Forsman goes on to say that the commissioning of Tangata Whenua Value Assessments would help address current inadequacies in the submission documents, which provide limited consideration of the proposals impacts on:

- (a) kaimoana and mihinga kai gathering sites;

¹²

Kawerau A Maki trust Resource Management Statement 1995.

- (b) waahi tapu, taonga and other sites of significance to Māori; and
- (c) the potential effects on the mauri of the waterways and surrounding catchments (given that the Project will result in the mixing of contaminated water with a natural waterbody).

7.3 As set out in section 3 of my evidence, Watercare planned and carried out consultation with 12 Iwi authorities. The consultation process was targeted and focussed and included:

- (a) The preparation of a programme to engage with the Iwi Authorities. The programme was prepared with the assistance of the two consultants (Ngarimu Blair and Tahuna Minhinnick) who Watercare engaged to advise and assist with the consultation. The consultants attended some of the meetings with the Iwi Authorities.
- (b) Initial meetings held to inform the Iwi Authorities about the Project. The Project is spatially well defined but technically quite complex in terms of the science and engineering of wastewater systems. For this reason the approach we took was to meet with each Iwi, usually individually but in the case of Ngāti te Ata, Ngāti Tamaoho, and Ngai Tai collectively for an initial meeting to provide information on the Project. The information included:
 - (i) maps showing the route of the Central Interceptor tunnel;
 - (ii) information on Watercare's plans for the Northern Interceptor;
 - (iii) planned upgrades to the Mangere and Rosedale Waste Water Treatment Plants;
 - (iv) the underlying drivers for the Central Interceptor Scheme;
 - (v) the key benefits of the Central Interceptor Scheme;
 - (vi) construction methods;
 - (vii) maps showing the reduction of overflows to the presently affected streams and rivers; and
 - (viii) planning and construction timelines.

Questions and discussion occurred throughout the meetings. The discussion throughout the meetings was positive with respect to the significant reduction in overflows of untreated wastewater to the streams and rivers and to the Waitemata Harbour. Three Iwi, Te Ākitai, Ngāti Tamaoho and Ngai Tai raised concerns with regard to the potential effects on the Manukau Harbour. At the conclusion of each meeting Watercare invited comments.

- (c) Following the initial round of meetings it became evident to Watercare that further consultation should continue with Te Ākitai, Ngāti Tamaoho, Ngai Tai, Ngāti Paoa and Ngāti te Ata. Several further meetings took place on an individual basis with Te Ākitai and collectively with Ngāti Tamaoho, Ngai Tai, Ngāti Paoa and Ngāti te Ata.
- (d) Te Ākitai and Watercare agreed on the engagement of a Planning Consultant (Nick Roberts, Barkers & Associates) to assist Te Ākitai to provide feedback to Watercare on the Project. This feedback has been received by Watercare and we have responded to it in writing. At the time of preparing this evidence, discussions are continuing between Te Ākitai and Watercare on the matters raised in Te Ākitai's submission including:
 - (i) mitigation of the existing risks of the Manukau Siphon;
 - (ii) the potential effects of the EPR structure; and
 - (iii) flows to the Mangere WWTP and assurances as to the implementation of the additional planned projects, including the upgrades to the Mangere WWTP and the construction of a new Northern Interceptor to divert areas in West Auckland to the Rosedale Wastewater Treatment Plant.
- (e) At the further meetings with Ngāti Tamaoho and Ngai Tai it became apparent to Watercare that the representatives of those Iwi Authorities were fundamentally opposed to additional flows being redirected from the Waitemata Harbour to the Manukau Harbour. Mr Cantrell attended some of these discussions to explain the wastewater systems approach proposed by Watercare including information on the small increase in volume (less than

2%) to be conveyed to the Mangere WWTP by the Central Interceptor and international best practice in the management of combined stormwater and wastewater systems.

It was clear that the positions of Ngāti Tamaoho and Ngai Tai were a matter of principle. Watercare, Ngāti Tamaoho and Ngai Tai determined that discussions on the substantive matters of disagreement were unlikely to be able to progress any further and that a resolution of the differences was not possible. Watercare, however, respects the aspirational vision of those Iwi that at some time in the future a viable alternative may be found to the discharge of any wastewater into our harbours. Watercare is open to re-engaging with Ngāti Tamaoho and Ngai Tai should they wish to have further discussions on any of their specific concerns.

- (f) With respect of Tangata Whenua Value Assessments ("**Value Assessments**"), it is not Watercare's usual practice to request Value Assessments unless the Iwi Authorities or Hapu concerned ask to prepare a report. Even then Watercare would want to explore the drivers, content and value of preparing such reports compared to the alternative approaches available. It is Watercare's experience that consultation and engagement on projects which are well defined with respect to location, character, intensity and scale is better carried out through a collaborative process where information and views are exchanged through verbal dialogue supported with notes and if requested by Iwi a written summary of conclusions reached.

For this Project, the possibility of preparing a Value Assessment was discussed during the initial meetings between Watercare and Iwi as a possible option for identifying Iwi concerns and potential cultural effects. Since these initial meetings, Watercare has met with Iwi on a number of occasions (both separately and collectively) to have substantive discussions on technical aspects of the Project and whether any concerns that those Iwi groups had with the Project could be addressed by Watercare. None of the Iwi at these meetings raised their concern that a Values Assessment should be undertaken or provided any further indication of their wish to prepare one.

Despite a Values Assessment not being undertaken, it is my opinion that the discussion that has taken place between Watercare and Iwi that have indicated an interest in continuing discussion has been detailed, open and collaborative so that Watercare has been able to attain as much information as possible to inform itself of the potential cultural value effects. In this respect, I consider that the consultation has enabled Watercare to more effectively identify Iwi concerns and effects than could have, in my opinion, been achieved from a Values Assessment. As noted above, Watercare also engages on a very frequent basis with the Mana Whenua Kaitiaki Forum which also provides valuable advice to Watercare on engagement with Mana Whenua and Mataawaka.

While I acknowledge Mr Forsman's concern that a Values Assessment has not been undertaken, I consider the approach taken by Watercare has negated the need for any such assessment.

- (g) There will be occasions when Watercare and Māori agree to disagree on the whole or particular aspects of a project. In the case of the Central Interceptor, Ngāti Tamaoho and Ngai Tai are fundamentally opposed to the Central Interceptor Project and appear to not accept the conclusion reached by Watercare and the authors of the Pre-hearing Report that on balance the positive effects of the project significantly out-weigh the adverse effects. Watercare respects this position and the reasons for it, but does not accept or agree with it.

8. CONCLUSION

- 8.1 Watercare has carried out a thorough process of consultation with relevant Mana Whenua. Mana Whenua were identified, visited and provided with information, at both summarised and detailed levels. Further engagement occurred where the relevant Mana Whenua expressed interest.
- 8.2 Of the 12 Iwi consulted three have lodged submissions on the notices of requirement and resource consent applications. Two of the submitters have a fundamental concern with wastewater treated or untreated being discharged to the Manukau Harbour. Watercare respects and acknowledges, but does not accept, their position. This is because we

consider the positive effects of the Central Interceptor Scheme significantly outweigh the adverse effects, which we consider to be no more than minor.

- 8.3 Te Ākitai has lodged a submission which includes their concerns relating to specific matters which Watercare has responded to in writing. Te Ākitai has requested a partnership agreement with Watercare with the aim of providing them with assurances particularly with respect to a commitment from Watercare to a timetable for the projects that are planned to be undertaken to complement the Project. At the time of preparing this evidence the form of the agreement is still being considered by Te Ākitai and Watercare.
- 8.4 Watercare welcomes ongoing discussions with the groups that have lodged submissions on the Project and envisages that this will continue throughout the statutory phase and beyond that into the detailed design and construction stages.
- 8.5 Consultation, relevant cultural reports, the RMA, Auckland Council regional and district plans, Environment Court findings and other statutory and non-statutory documents have been referenced and applied by Watercare to evaluate the Project from a cultural heritage perspective.
- 8.6 Watercare is committed through the Relationship Agreement it has with the Mana Whenua Kaitiaki Forum to a relationship with Iwi that is based on:
- (a) Relationship Building - Building understanding and enhancing the inter-relationship between Mana Whenua and Watercare.
 - (b) Integrity - Ensuring cultural integrity and respect.
 - (c) Opportunities - Identifying opportunities of mutual interest and benefit.
 - (d) Best Practice - Advising on best practice for meeting the Mana Whenua Kaitiaki Forum's cultural, environmental, social and economic responsibilities.
 - (e) Efficiency - Establishing efficient, collective processes for building the relationship and engagement.
 - (f) Water as a taonga.

- 8.7 Watercare has strived, and will continue to strive, to meet its obligations to Iwi in accordance with the RMA and regulations under which it operates, the Relationship Agreement it has with the Mana Whenua Kaitiaki Forum, and agreements that it has with specific Iwi.
- 8.8 Watercare has processes in place for engagement with Iwi and the consultation required by those processes has occurred in relation to the Project. Watercare is actively working with relevant and interested Iwi and Hapu to address the concerns they have raised to the greatest extent possible. Consultation and the involvement of Iwi will continue to occur throughout the detailed design and construction phase of the Project and beyond.

Garry Maskill
Watercare Services Limited
12 July 2013