

**BEFORE THE AUCKLAND COUNCIL HEARINGS PANEL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an application by Watercare Services Ltd for regional resource consents for the Huia Replacement Water Treatment Project at Woodlands Park Road, Waima

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**STATEMENT OF EVIDENCE OF EDWARD ASHBY  
ON BEHALF OF TE KAWERAU Ā MAKI  
FOR THE TREE COUNCIL, TITIRANGI RESIDENTS & RATEPAYERS ASSOCIATION, FOREST &  
BIRD, WAITĀKERE RANGES PROTECTION SOCIETY, TITIRANGI PROTECTION GROUP AND  
SAVE OUR KAURI TRUST**

**12 APRIL 2021**

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<b>Index</b>	
<b>1</b>	<b>Introduction</b>
<b>2</b>	<b>Code of Conduct</b>
<b>3</b>	<b>Scope of Evidence</b>
<b>4</b>	<b>Te Kawerau ā Maki values, interests and rights with the area</b>
<b>5</b>	<b>Waitākere Rāhui</b>
<b>6</b>	<b>Cultural Impact and Risk for the Proposed Site</b>
<b>7</b>	<b>Conclusion</b>

## 1. INTRODUCTION

- 1.1. My full name is Edward Colin Ashby. I hold the degree of M.A. (Hons) in Anthropology (2009) from the University of Auckland, and a P.G.Dip in Forensic Science (2011) also from the University of Auckland. I am currently a trustee and director of several Te Kawerau ā Maki boards, and previously held roles as the executive manager and environment manager for the iwi. I represent Te Kawerau ā Maki and have been asked to provide expert evidence by The Tree Council, Titirangi Residents & Ratepayers Association, Forest & Bird, Waitakere Ranges Protection Society, Titirangi Protection Group and Save Our Kauri Trust on this matter.
  
- 1.2. My professional background is in anthropology which I have been working in for the last 15 years. I also have a background in engineering geology and forensic science. I hold a Practitioner level grade with the Chartered Institute for Archaeologists<sup>1</sup> and am also a member of the Māori Heritage Committee of the International Council on Monuments and Sites (ICOMOS). I previously held the role of Senior Specialist Māori Heritage at Auckland Council. I have worked as a consultant for hapū and iwi outside of the Auckland region including the preparation of cultural impact assessments. I have also given lectures on the topic of the scientific and Māori cultural management of human remains at the University of Auckland. I have worked for and with Te Kawerau ā Maki for the last eight years, including holding technical, executive and governance roles. I led the operational management of the rāhui Te Kawerau ā Maki placed over Te Wao Nui a Tiriwa in December 2017. I have a technical proficiency with tikanga Māori more generally and Te Kawerau ā Maki specifically, and expertise in the nature of, and management issues facing, Te Kawerau ā Maki cultural values, rights and interests in relation to whenua, moana, and taonga.
  
- 1.3. Only tohunga, kaumātua and kuia can be considered true experts in the reo (language), mātauranga (knowledgebase and knowledge systems) or tikanga

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<sup>1</sup> CifA is a UK based professional accreditation organisation for archaeologists, refer to [www.archaeologists.net](http://www.archaeologists.net)

(customs, lore and processes) of Te Kawerau ā Maki. I acknowledge these people now, in particular Te Warena Taua and the late Eru Thompson. I have also benefited from the knowledge of the historian Grame Murdoch who has a longstanding and very close relationship with Te Kawerau ā Maki. I have spent years listening to the korero of our rangatira, kaumātua and tohunga and representing the iwi in many hearings. I am confident to provide expert evidence to the hearings panel relating to Te Kawerau ā Maki and cultural risks for the purposes of this hearing.

## **2. CODE OF CONDUCT**

2.1. I have read the Environment Court's Code of Conduct for Expert Witnesses and I agree to comply with it. Except where I state that I am relying on the specified evidence of another person, my evidence in this statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

2.2. I understand I have a duty of impartiality to provide evidence within my area of expertise to the hearings panel. I am an advocate only for Te Kawerau ā Maki and for Te Taiao.

## **3. SCOPE OF EVIDENCE**

3.1. I am providing evidence in relation to potential cultural impacts and associated risks the proposed Huia Water Treatment Plant may have. In preparing this evidence I have read:

- Tonkin & Taylor Ltd July 2019 AEE
- Boffa Miskell 8 December 2020 Draft Kauri Dieback Management Plan
- Te Kawerau ā Maki October 2019 CIA

- 3.2. My evidence will focus on an overview of the relationship Te Kawerau ā Maki has with the area, the nature of the rāhui placed over Te Wao Nui a Tiriwa, and the cultural impacts and risks associated with the proposal.
- 3.3. Some mātauranga and tikanga relating to Te Kawerau history and association with the site and wider area is tapu and I will not be presenting in a public forum. Where my evidence does discuss things of a tapu nature, I have generalised this evidence so it is appropriate for this forum.

#### **4. TE KAWERAU Ā MAKI VALUES, INTERESTS AND RIGHTS WITH THE AREA**

- 4.1. Te Kawerau ā Maki are the mana whenua iwi of Hikurangi (West Auckland). This is our tribal heartland within a broader area of complex and overlapping ancestral interest and rights that extends over most of central, west, and north Auckland. The relationship Te Kawerau have with Hikurangi and the Waitākere Ranges in particular is ancient and is based on whakapapa to the whenua and key tūpuna, continual occupation or ahi kā and other take whenua, and the maintenance of mana, tapu and mauri through the actions and practice of rangatiratanga, kaitiakitanga, whānaungatanga, wairuatanga and manākitanga. Our mātauranga (knowledge) of ourselves and our spiritual and physical environment, and the best ways to navigate the world developed over centuries, are codified through our tikanga (customs). These together are part of Te Ao Māori.
- 4.2. This relationship is expressed in many ways including whakapapa (genealogy), purakau (traditions), waiata (songs), and tohu (placenames and landmarks). It is where urupā are maintained and where the pito or whenua was buried. It is reflected in the kāinga and māra kai that were maintained prior to colonisation. It is also symbolised through the many cared pou whenua throughout the area, including at the Arataki Visitors centre, the plans to build a new kāinga whakahirahira at Te Henga, and through our actions in managing our taonga, wāhi tapu and the environment including participation in resource management matters and the calling down of the latest rāhui over the ngahere in 2017.

- 4.3. Article II of Te Tiriti o Waitangi provides for rangatiratanga of hapū and iwi over their papakāinga, whenua, and taonga. We assert that rangatiratanga over our taonga places us as the sole decision maker over their use, modification, or destruction, and in this way we have consistently challenged the authority of the Crown and the Courts to unilaterally make such decisions. Te Kawerau ā Maki interests and rights in the area are recognised in the Te Kawerau ā Maki Claims Settlement Act (2015) in particular in s8 (Crown Acknowledgment) and in our cultural redress (properties and statutory acknowledgements) being located primarily within the Waitākere Ranges. Our interests are also recognised specifically in the Waitākere Ranges Heritage Area Act (2008) in particular s7(2)(j), s29, and s33.
- 4.4. Our relationship to the area is best encapsulated by the pepeha:

*Ko Hikurangi te maunga*

*Ko ngā Pou ā Maki ngā tohu whakahii*

*Ko te Wao Nui ā Tiriwa te ngahere*

*Ko te Manukanuka ā Hoturoa me te Waitematā ngā moana*

*Ko Waitākere te awa*

*Ko Tainui te waka*

*Ko Tawhiakiterangi te tupuna*

*Ko Te Kawerau ā Maki te iwi*

*Hikurangi is the mountain*

*The many posts of Maki (Waitākere Ranges peaks) are the markers*

*Te Wao nui a Tiriwa is the forest*

*Manukau and Waitematā are the harbours*

*Waitākere is the river*

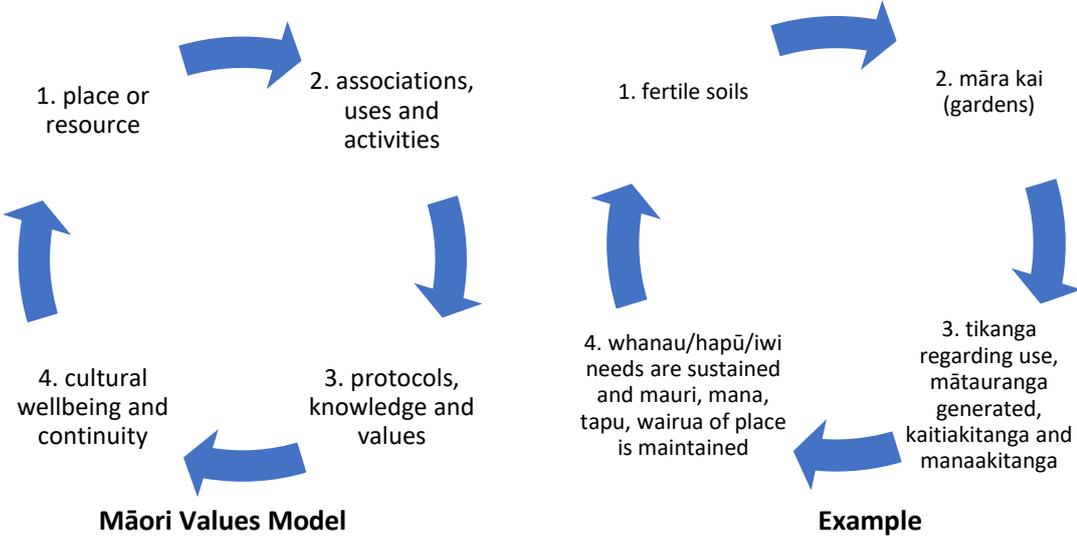
*Tainui is the canoe*

*Tawhiakiterangi is the person*

*Te Kawerau a Maki is the tribe*

4.5. Te Kawerau ā Maki whakapapa, as with all our whānaunga and indeed all living natural things in Aotearoa, to ātua. Principle among these are Ranginui, Papatūānuku, Tāne, Tangaroa, and Tāwhirimātea. It is from ātua that the spiritual world and physical world gain their properties, and from which the core cultural concepts of mana, mauri and tapu derive. This whakapapa is sacred and provides a cosmological framework of interconnectedness and interdependence between people and the environment. Mana is channelled from ātua and can be increased or decreased based on the actions of individuals, whānau, hapū and iwi. Tapu likewise is linked to ātua and relates to something (including places, entities, knowledge, resources, objects) or someone being sacred or set aside from mundane or profane things. The opposite of tapu is noa (normal or sometimes profane). Mauri is the thing that binds the physical and the spiritual (sometimes interpreted as life force or environmental health). It is a sacred obligation of iwi to maintain a balance of the mauri of Te Taiao in its rohe. It is equally important to maintain the integrity of tapu where appropriate. These are two ways in which an iwi can undertake kaitiakitanga (and wairuatanga) and is a requirement of maintaining tribal mana over resources within an area.

4.6. An example of one way of conceptualising Te Ao Māori approaches to resource management is provided below. In actuality it is more ‘three-dimensional’.



- 4.7. Te Kawerau ā Maki whakapapa to the first human inhabitants of the area known as the Tūrehu of whom the chieftain and tohunga Tiriwa belonged. It is he of whom Te Wao nui ā Tiriwa ('The Great Forest of Tiriwa') is named after, the great forest once covering all of Hikurangi but today restricted to the ngahere (forest) that covers large parts of the Waitākere Ranges and its foothills. We also descend from the peoples of Kupe, Toitehuatahi, the Tini ō Maruiwi, and later the arrival of six ancestral waka including the Moekakara waka and the Tainui waka and in particular the latter's tohunga Rakataura (also called Hape). These early tupuna named many of the tohu or landmarks throughout the Waitākere takiwa. For example Titirangi is a sacred hill that was named by Rakataura in commemoration of a hill in the Pacific homeland. We also descend from those Tainui people who remained in the area and married the local inhabitants, eventually coming to be known by various names including Ngā Oho Mata Kamokamo.
- 4.8. Te Kawerau ā Maki as a distinct tribe originate with the arrival in the region of the Ngāti Awa and Tainui rangatira Maki and his hapū from Kawhia in the mid-1600s. Maki's whakapapa was already tied to the whenua through his Ngā Iwi and Ngā Oho links (his grandfather being the rangatira of Ngā Iwi). Maki's arrival is told through the traditions known as 'Te Ipu Kura ā Maki' which occurred on the Tāmaki Isthmus, and 'Te Kawerau ā Maki' which occurred near Helensville in the southern Kaipara. Following a series of victories and peace marriages with the resident Ngā Oho in Hikurangi, Maki stamped his mana over the area by naming the peaks of the ranges 'ngā Pou ā Maki'. Today, the specific name for Te Kawerau ā Maki as it relates to Hikurangi is Te Kawerau Moko Torea in reference to our early Ngā Oho ties.
- 4.9. Maki's youngest son and the eponymous ancestor of the iwi is Tawhiakiterangi, who also went by the name Te Kawerau ā Maki in reference to the tribal origins in the southern Kaipara. His mana covered the resources of Hikurangi, the southern Kaipara, the Upper Waitematā, and into Te Whenua Roa ō Kahu (North Shore). His grandson was Te Hawiti who was gifted the name Te Au-ō-te-whenua ('The current

of the land') following a series of peace agreements with the people who would come to be known as Ngāti Whātua.

- 4.10. It is through these tūpuna, and many others, that Te Kawerau ā Maki have whakapapa and mana to the area and its resources. It is noted that the proposed site was also part of a wider overland pathway or ara which Te Kawerau ā Maki and our whānaunga used to move between the Manukau Harbour and the hinterlands of the Waitākere Ranges. While this part of Waitākere has a long history with lots of historical events, burials, and archaeological sites – its true significance sits with the ancestral tohu surrounding it, its place within Te Wao Nui ā Tiriwa, and the ancestral rights and obligations that have passed down to Te Kawerau ā Maki. It is through maintaining our wāhi tapu including urupā, and through efforts to maintain the wairua and mauri of the area including through acts such as rāhui, that we can demonstrate our continued mana whenua.

## **5. WAITĀKERE RĀHUI**

- 5.1. On 2 December 2017 Te Kawerau ā Maki called down a rāhui over Te Wao Nui ā Tiriwa. This was done in recognition of a number of tohu that signified that the wairua and mauri of the great ngahere was out of balance and in decline. One such tohu was the presence of kauri dieback disease which we had monitored for years, and which had in mid-2017 been reported by plant pathologists and other scientists to be rapidly spreading. Other tohu were also observed by Te Kawerau including some that relate to bird song and other animal activity, the presence or absence of certain plants and fungi, and certain events that signified changes to the wairua of the forest. This was in the context of a background of significant human harm to the forest through logging and clearance for development, the introduction of pest species, and a virtual rabbit warren of hundreds of informal and formal tracks which were seeing increasing numbers of uncontrolled and unmanaged visitors. The additional issue of anthropogenic climate change also presents a stressor on the ngahere.

5.2. Te Wao Nui ā Tiriwa can be thought of as a living entity. It is founded upon Papatūānuku and covered in the children of Tāne. Kauri are particularly important to Te Kawerau ā Maki and are considered both a taonga and a living tūpuna. They are known as the rangatira of the forest, and a key conduit between the physical and spiritual realms. The importance of kauri is reflected in the lament sometimes cited at tangihanga when a person of mana or standing in the tribe passes away. They are likened to the falling of a kauri giant:

*Kua ngaro koe ki te pō  
Ko te kauri nui takoto.  
Pīpīwharauoa, e tangi nei,  
Rere pōuri ki konei  
Rere pōuri ki konei*

*Kaikino te manawa  
Kaikino te aroha  
Kaikino te wairua  
Aue, he aha rā,  
Aue, he aha rā.*

*Tū tonu te mahara.*

5.3. Our tikanga is not to treat our ancestors, and the forest, like it is a playground or a passive thing from which to extract value but never to give anything back. Te Kawerau ā Maki still recite karakia prior to entering the ngahere just as our ancestors did, and traditionally would only enter with permission of the forest to collect kai, rongōā, timber or textiles in small amounts, or to undertake ceremonies. We generally do not enter the ngahere at night. Te Kawerau ā Maki tikanga is to respect the forest both for its own intrinsic sake and as a source of nourishment and life for the people. Indeed Te Wao Nui ā Tiriwa, despite the hostility shown to it by colonialism, continues to provide 'environmental services' to the people of

Auckland through being one of the biggest sources of biodiversity and acting like the lungs of the city.

- 5.4. This relationship is vital to the identity and wellbeing of Te Kawerau ā Maki – we have stated many times that kauri dieback and forest health decline in Te Wao Nui ā Tiriwa is an existential threat to the iwi, and that we cannot survive as a tribe without it. Our mana and wellbeing is tied to its fate. Our sacred obligation is to maintain the mauri of the area so that it can survive into the future for generations to come.
- 5.5. It is for these reasons the rāhui was called down. We did not ask for permission to do this as it is our right and our obligation. There have been many misunderstandings about the purpose and nature of rāhui. Without going into depth, it is not a matter of an iwi ‘placing’ a rāhui, but rather ‘calling down’ spiritual protection (and thus establishing tapu) from ātua and ancestors: ‘rā-hui’. The forest is thus tapu or set aside from noa things and behaviours, including the presence, by and large, of humans. The rāhui is thus a kind of spiritual and cultural ban or quarantine, but more so is about providing for the wairua and mauri of the ngahere to heal and to replenish. Our tikanga is that Te Taiao knows best how to heal itself, and that the most appropriate thing is to remove the spiritual and physical harm that humans bring to allow this process to go unencumbered. The rāhui also brings with it the benefit of removing one of the main vectors (humans) of the movement of the kauri dieback phytophthora around the forest and into other forests.
- 5.6. The rāhui was called and is in place by things bigger than ourselves, or courts, or controlled area notices. For us it is the ultimate authority over which the Crown and science and policies hold no jurisdiction. It will be in place for as long as the forest needs it to be: until its wairua and mauri is balanced. It is in place for the benefit of the forest and for all Aucklanders. Our ancestors would never have entered a tapu space except for tohunga. Today we must work with our wider community to protect the integrity of the rāhui and the forest to allow it time to heal. The act of

carrying our noa activities undermines the rāhui and places the forest (and those undertaking offensive activities) at risk.

## **6. CULTURAL IMPACT AND RISK FOR THE PROPOSED SITE**

- 6.1. Te Kawerau ā Maki first discussed the proposal with Watercare in 2017 at a site hui that included our kaumātua George Taua, myself, and other Te Kawerau ā Maki representatives. From the outset Te Kawerau ā Maki accepted that the existing water treatment infrastructure was nearing the end of its use-life and needed to be replaced (somewhere). We recognised that the treatment plant provided approximately 20% of Auckland’s drinking water and supported the need to provide potable water to manuhiri within our rohe. This is part of our obligation as mana whenua to provide manākitanga.
- 6.2. Te Kawerau ā Maki were however concerned about the impacts of significant established and regenerating bush on the proposed site, and the risk of spreading kauri dieback disease. We made it clear that the proposed site was not our preference for these reasons.
- 6.3. As an iwi, we must balance wide-ranging social, cultural, environmental and economic issues within our domain based on our tikanga. In terms of scope this is like that of a council or the government. So the obligation of manākitanga must be considered within the obligation of kaitiakitanga.
- 6.4. Te Kawerau ā Maki provided a Cultural Values Assessment (CVA) to Watercare in April 2017 as the formal initiation of a process of on-going engagement. A CVA is distinct from a Cultural Impact Assessment (CIA) in that the former sets out some of the values associated with an area or resource, rather than measuring impacts of a particular proposal against these values. This baseline report highlighted a number of our key values and concerns in the area, including the presence of kauri dieback and forest and ecosystem health decline. Several months later the rāhui was declared, making the area tapu in a sense.

6.5. In the meantime Watercare's refinement of options continued, eventually landing on the current proposal. It was at this stage that a CIA report was prepared by Te Kawerau ā Maki in October 2019. I summarise the key elements of the CIA report below.

#### *Cultural Impact Assessment Report*

6.6. The CIA outlines the statutory and policy framework which supports our participation. Without going into great detail, this includes:

- TKāM Claims Settlement Act (2015) s8 acknowledgement
- RMA (1991) Part II matters concerning our relationship to the area (s6(e), our kaitiakitanga role (7(a)) and Treaty principles (s8)
- WRHAA (2008) matters concerning the objectives to protect, restore and enhance the area and its features, to ensure cumulative effects are considered, the approach to considering risk when making decisions, and the avoidance of adverse cumulative impacts (s8), and the direction for Council to provide for Te Kawerau ā Maki to contribute to decision-making in implementing the Act (s33).
- Auckland Unitary Plan mana whenua provisions including Mana Whenua participation in the sustainable management of natural and physical resources (B6.2.2(1)), the integration of Mana Whenua values, mātauranga and tikanga in the management of natural and physical resources (B6.3.2(2)), resource management decisions to have particular regard to impacts on the holistic nature of the Mana Whenua world view, the exercise of kaitiakitanga, mauri, customary activities, and sites and areas with significant spiritual or cultural heritage value (B6.3.2(6)).
- Te Kawerau ā Maki Resource Management Statement (1995) sets out a number of policies including the integration of our tikanga into resource management decision-making, and opposition to destruction of native flora and fauna without out formal consent.

- 6.7. The CIA report goes on to set out Te Kawerau ā Maki relationship and values associated with the area. This includes information regarding whakapapa and history broadly set out above, along with noting specific values related to the site including archaeological features, native flora, native fauna, fresh water, the Manukau harbour receiving environment, the geographic features and soils, and the presence of the rāhui. The report then goes on to identify potential direct, potential indirect, and potential cumulative effects. The report identified five significant adverse (moderate or large) effects. These were in essence related to water, soil disturbance, native vegetation, and the rāhui.
- 6.8. A series of mitigations and offsets are discussed including site interpretation, cultural design input to the built design, enhancement planting and pest management within the catchment, cultural harvest if appropriate, avoidance of kauri, translocations of native terrestrial fauna, providing interpretation of the other Watercare infrastructure in Waitākere (dams), water detention, retention, and treatment, and retention of soil within site/catchment/area. It is understood that Watercare has agreed to these offsets should the project proceed. In addition, it is understood that Watercare will establish a trust fund to hold funds and administer a catchment enhancement and pest reduction programme that would include a Te Kawerau ā Maki representative.
- 6.9. The report concludes with a series of recommendations/requirements including retention of soil on site, effective stormwater design to prevent severe impacts of storm events to the receiving environment, and a rigorous testing regime for kauri dieback disease. The report notes that impacts to the rāhui will be severe and will require further discussion.

*Kauri Dieback Management Plan*

- 6.10. In response to the threat of kauri dieback Boffa Miskell on behalf of Watercare have drafted a Kauri Dieback Management Plan. The Plan notes that 33% of all kauri ecosystems in Waitākere have or show signs of kauri dieback. A comprehensive

regime of testing and survey was undertaken by BioSense at the request of Watercare which identified heavy infection of the proposed site. The Plan seeks to minimise the risk of spreading kauri dieback disease in the process of constructing the replacement Huia WTP and reservoirs. It has three key components: (1) comprehensive testing, (2) staging and specifications for investigations, vegetation clearance, systematic removal and disposal of topsoil, and stormwater containment and treatment, and (3) containment and wash facilities during the construction phase. The Plan considers by staging the enabling works for construction it reflects a realistic and practicable approach while ensuring minimal risk of spreading kauri dieback.

6.11. The Plan goes on to outline detail regarding methodology which is dealt with by other experts more qualified to comment than I. From a cultural perspective the key concerns arising from the Plan are:

- It lacks any involvement or even mention of Te Kawerau ā Maki or our tikanga despite being within a rāhui and being compelled by legislation and policy to (variously) have regard for, or give effect to, our tikanga and participation.
- Given the directive in the WRHAA is avoidance of cumulative impact to the receiving environment, which also aligns with our tikanga requiring full containment due to tapu, it is unclear why minimal impact is an acceptable tolerance. Avoidance is avoidance.
- It is unclear where any vegetation not mulched/chipped on site will end up being disposed of or how this will be done.
- It is unclear where soil will be disposed of, noting only an 'off-site facility' approved by Council.
- The stormwater containment facility will be sized for a 1 in 10-year storm event. Questions arise as to whether this modelling is appropriate for the rainforest, and why given the aim is full containment and avoidance of impact, the containment has not been designed for a 1 in 100-year event

(even if excavating down rather than laterally if plausible), particularly noting that we have seen very large storm events occur immediately following the rāhui and breaches to it which is a tohu for us.

- Water will then be discharged over a 24-hour period from the containment facility to the streams. What the precise treatments for kauri dieback disease in the containment facility will be are not known. It is also not clear how this can ensure that the water being discharged will not have a higher phytophthora loading than the natural baseline water column loading of the streams and catchment (thus increasing risk to the catchment through discharge).

### *Cultural Impacts and Risks*

6.12. For Te Kawerau ā Maki our rights, interests, mātauranga and tikanga are not adequately reflected in the documentation or methodologies. It is of primary concern that the proposal appears to largely ignore the rāhui and the absolute requirement for our tikanga to guide the process of any works. Our tikanga is not some quaint concept to be ignored: it is part of the legal framework of New Zealand and is specifically provided for in the laws and policies outlined in this evidence. Without our involvement and a process guided by our tikanga the project risks undermining the rāhui and potentially contributing to spiritual harms to workers on the site, and ultimately the wellbeing of the ngahere and of our iwi. To put it in perhaps more familiar terms, the stakes of the project are that it risks a cultural health and safety incident combined with environmental harm. We need to ensure these risks are appropriately managed or eliminated.

6.13. As noted earlier in this evidence, and to use analogies in the effort of aiding understanding, Te Wao Nui ā Tiriwa can be conceptualised as a living entity. Te Kawerau ā Maki wellbeing is intrinsically tied to the wellbeing of this entity. Due to past harms and neglect from human activities, and the present threat of kauri dieback, this entity is sick, its mauri is degrading and needs enhancement, and it is

on life support. Kauri dieback is an infection that needs to be isolated, contained, and treated. The rāhui is our ancient method of helping to treat the patient.

- 6.14. This makes the site and the area of the wider ngahere tapu. Noa activities within the forest footprint should not occur, and particularly without the guidance of tikanga. Because the area including the whenua and vegetation is tapu this cannot be taken from the site and moved to another noa space, particularly outside of our rohe. To do so is to break tapu and could bring harm to the mana and wairua of Te Kawerau ā Maki. It could also negatively impact upon the location and the people of the area it is taken to.
- 6.15. Because of kauri dieback, and because of the tapu nature of material, Te Kawerau ā Maki require full containment of risk within the proposed site boundaries. We oppose the movement of material from the site to other locations, but in particular any locations outside of the Waitākere rāhui area. If the project is to proceed, it must not make the surrounding area or catchment any worse in any way. This is what is tika and is supported by the objective of avoidance of adverse cumulative effects set out in the WRHAA.
- 6.16. The cultural requirement to contain the impacts within the proposed site footprint applies to stormwater also. Given the risks involved, including those that could be a consequence from breaches of the rāhui, Te Kawerau ā Maki do not consider a 1 in 10-year storm event design to be adequate. Risk thresholds should not be increased because the proposed site is tight spatially. There is usually an engineering solution for most problems if there is a will to do so. The critical concern is twofold: (1) that a storm (or storms) will overrun the management devices and cause above-baseline down-stream impacts; and (2) that as phytophthora is known to be present in the water column at times, the retention/sediment tanks could create a concentrated 'sink' for the disease that would then be discharged at a higher disease loading rate than the natural baseline for the streams and essentially increase the risk of downstream impacts.

## 7. CONCLUSION

- 7.1. Te Kawerau ā Maki support the principle of replacing the Huia Water Treatment Plant which provides 20% of the drinking water for our manuhiri. We have to balance this manākitanga against our broader kaitiakitanga obligations. The proposed site is not our preferred location. Because of the cultural risks associated with the tapu nature of the site under the rāhui, the mauri of the ngahere, and the presence of kauri dieback, Te Kawerau ā Maki require that risks be contained within the footprint of the proposed site.
- 7.2. Based on the current information I am not convinced that risks have been adequately contained or managed within the proposed site footprint, or even within the Waitākere rāhui area. We are opposed to any level of adverse off-site impact to the catchment that could undermine the mauri of Te Wao Nui ā Tiriwa and the purpose of the rāhui. Our concerns focus on the movement of contaminated and tapu soil and vegetation particularly outside of the rāhui area, the retention and discharge of contaminated water at levels greater than the natural baseline, and the lack of Te Kawerau ā Maki participation or tikanga within the documentation provided.
- 7.3. For the reasons set out in this evidence I consider the cultural risk of proceeding with the project based on the current information to be significant and not fully or adequately mitigated or contained.



Edward Ashby