

Appendix X Cultural Values Memo

Memorandum

Subject: ARL Project – Consultation & Treaty Settlements and Cultural Values Memorandum

Reference No:

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1 Introduction

Whetū Consultancy Group (“**Whetū**”) has been engaged by WM New Zealand (“**WMNZ**”) to prepare a Consultation & Treaty Settlements and Cultural Values report (“**CCV report**”) to identify and understand the values of Mana Whenua in Tāmaki Makaurau in relation to WMNZ's proposal to obtain new resource consents for a new solid waste management and disposal facility in the Wayby Valley, north of Auckland (“**ARL**” or “**Project**”). The Project comprises the construction, operation, closure, and aftercare of a new 24 Mm³ landfill facility and associated infrastructure at Wayby Valley, Wellsford.

Through the RMA consenting process, consultation and engagement with relevant Mana Whenua over the course of that time eventuated in the establishment and operation of an Executive Committee. This Executive Committee will continue in the Project. Further detail on the Executive Committee is provided in section 2 and 3.

The involvement of Mana Whenua through the Executive Committee:

- is consistent with relevant Treaty settlement legislation;
- recognises and provides for the relationship of Mana Whenua with their ancestral lands, water, sites, waahi tapu and taonga, and their culture and traditions in Wayby Valley, Te Awa o Hōteho, and the Kaipara Moana;
- acknowledges and responds to the adverse effects of the Project on cultural values; and
- provides for specific actions in the management, monitoring and cultural assessment of the Project, which includes governance of Te Taiao within the Te Awa o Hōteho (downstream of the Project site) and Kaipara Moana.

The purpose of this preliminary CCV memorandum is not to identify the adverse (nor positive) impacts that will/may arise from the proposed fast-track activity, but briefly record the Project's consultation and engagement with Mana Whenua and outline how cultural values and effects to the values were identified, considered and addressed by WMNZ through the Resource Management Act 1991 (“**RMA**”) consenting process. The memo also outlines the consultation and engagement with Mana Whenua as the Project seeks a referral under the Fast-track Approvals Act 2024 (“**FTAA**”), and how Treaty settlement legislation are being acknowledged, and offers recommendations for consideration by WMNZ.

This preliminary CCV memorandum provides an outline of the initial findings and has been prepared for inclusion in an application for Ministerial referral of the project under FTAA. Specifically, this memorandum responds to the requirements under section 3.4 of the Fast-track Approvals Referral

Application Form. A full description of the draft proposal is included in the accompanying information attached to the application form for the referral.

2 Background - RMA Consent Application and Mana Whenua Engagement

WMNZ has been working through a consenting process for ARL under the RMA since it was lodged with Auckland Council in 2019. Prior to, and through, the consenting process, WMNZ has:

- consulted and engaged with Mana Whenua¹ in Tāmaki Makaurau, where cultural reports² were prepared from those Mana Whenua that were considered directly affected by the Project, to inform the consent application on cultural values and the effects on those values;
- recognised the interests of Māori groups³ identified through the consenting process;
- engaged with the Ngāti Manuhiri Settlement Trust (whose rohe the Project is within) and formed a project partnership. The partnership recognises the cultural, spiritual, historic and traditional association⁴ of Ngāti Manuhiri with Te Awa o Hōteho to the Tarakihi Falls. Ngāti Manuhiri support the Project and are actively involved in proposed management and mitigation measures on the site as illustrated by the letter from Mr Terrance 'Mook' Hohneck (refer Appendix Z2 to the referral application); and
- further engaged with Ngā Maunga Whakahii o Kaipara, Ngāti Rango, Te Uri o Hau Settlement Trust (includes Environs Holdings Limited), and Te Rūnanga o Ngāti Whātua, where it is agreed that an ongoing strategic relationship is in place, and participation is enabled in the Project through an Executive Committee for these four Mana Whenua groups to work alongside WMNZ and Ngāti Manuhiri.

The Executive Committee is a formalised group representing WMNZ and Mana Whenua that have a relationship and association with the Project site, and/or with Te Awa o Hōteho, and/or with the Kaipara Moana. The parties on the Executive Committee are:

- WMNZ
- Ngāti Manuhiri
- Ngāti Rango
- Ngāti Whātua o Kaipara
- Te Rūnanga o Ngāti Whātua, and
- Te Uri o Hau

The purpose of the Executive Committee is directed towards the health and well-being of Te Awa o Hōteho beyond the site and the Kaipara Moana. If the Project obtains approvals under the FTAA, this Committee will continue to be provided opportunities to comment on key management plans for the Project and members will be notified in the event of any unforeseen or unlawful activity onsite that will cause an adverse effect on Te Awa o Hōteho or Kaipara Moana.

The Mana Whenua membership on the Executive Committee reflects, and responds to, section 6(e) of the RMA requirement to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, and section 7(a)

¹ Prior to lodgement, Ngā Maunga Whakahii o Kaipara (Ngāti Whātua o Kaipara), Ngāi Tai ki Tāmaki, Ngāti Maru, Ngāti Manuhiri Settlement Trust, Ngāti Rango, Ngāti Te Ata, Ngāti Wai, Ngāti Whātua Ōrākei, Te Kawerau ā Maki, and Te Rūnanga o Ngāti Whātua.

² Cultural values assessment reports was received from Ngāti Maunhiri, Ngāti Rango and Te Rūnanga o Ngāti Whātua.

³ During the consenting process, Ōtakanini Haranui Marae Trust Board, Puatahi Marae, Te Aroha Pā/Araparera Marae, Te Ohu Kaimoana, Te Uri o Hau Settlement Trust, and Tinopai Resource Management Unit.

⁴ Recorded in the Statement of Association in the Schedule to the Ngāti Manuhiri Deed of Settlement dated 21 May 2011, subpart 2 of the Ngāti Manuhiri Settlement Act 2012.

kaitiakitanga of the RMA. This membership was tested and addressed through the RMA consenting process.

All parties on the Executive Committee have agreed that the Committee is the appropriate mechanism for WM to keep tangata whenua informed of any consents that might be sought for the landfill and to provide the opportunity for feedback on those consents.

3 Report Methodology

Two separate workstreams have come together to prepare the CCV report. Both workstreams inform the report's methodology.

The workstreams are:

1. Consultation and Engagement with Mana Whenua on the Executive Committee
2. Treaty Settlement Legislation and Cultural Values Assessment

Workstream 1 – Consultation and Engagement with the Executive Committee

This workstream delivers the consultation and engagement between WMNZ and Mana Whenua.

The workstream is led by WMNZ's Managing Director Evan Maehl, and the Chairperson for Ngāti Manuhiri Settlement Trust, Terrance 'Mook' Hohneck, who are the co-Chairs of the Executive Committee. There is a schedule of regular meetings by the Executive Committee.

From the outcomes of the RMA consenting process, consultation and engagement for the Project by WMNZ with Mana Whenua in Tāmaki Makaurau has primarily focused on those Mana Whenua on the Executive Committee. Accordingly, with the on-going and regular meetings of the Executive Committee, there has been and will continue to be consultation and engagement at the lodgement of the referral application and the period leading into the preparation and lodgement of any potential substantive application.

On WMNZ's consultation with Mana Whenua in Tāmaki Makaurau that are not on the Executive Committee, this will be delivered in accordance with section 11 of the FTAA and is being undertaken through the Executive Committee.

The consultation log with Mana Whenua groups is in Appendix Z1 to the referral application.

Workstream 2 – Treaty Settlement Legislation and Cultural Values Assessment

This workstream supports Workstream 1 by preparing the report that documents WMNZ's consultation and engagement with Mana Whenua on the Executive Committee, and potential notification letter to Mana Whenua in Tāmaki Makaurau.

In addition to the record of consultation, the report identifies the relevant Treaty Settlement legislation and a review and consideration of available iwi documentation⁵, to identify the cultural and environmental values and interests of the Mana Whenua on the Executive Committee.

4 Mana Whenua and Relevant Treaty Settlements

Relevant Mana Whenua

The Auckland Council website⁶ identifies 19 iwi authorities representing the interest of Mana Whenua in Tāmaki Makaurau Auckland. Of these 19 iwi authorities, the Mana Whenua membership on the Executive Committee are:

⁵ Includes the cultural reports prepared by Mana Whenua for the RMA consenting process

⁶ <https://www.aucklandcouncil.govt.nz/plans-projects-policies-reports-bylaws/our-plans-strategies/auckland-plan/about-the-auckland-plan/Pages/iwi-tamaki-makaurau.aspx>

1. Ngāti Manuhiri (represented by the Ngāti Manuhiri Settlement Trust)
2. Ngāti Whātua (represented by Te Rūnanga o Ngāti Whātua)
3. Ngāti Whātua o Kaipara (represented by Ngā Maunga Whakahii o Kaipara Development Trust),
and
4. Te Uri o Hau (represented by the Te Uri o Hau Settlement Trust and Environs Holdings Limited)

Not identified on the Auckland Council website, but are a member on the Executive Committee, is Ngāti Rango. Ngāti Rango is a hapū of Ngāti Whātua and Ngāti Whātua o Kaipara.

These Mana Whenua groups were identified through the RMA consenting process. It is considered that the other Mana Whenua in Tāmaki Makaurau respect and recognise the authority of these identified Mana Whenua.

Relevant Treaty Settlement Legislation

There are four Treaty Settlement Acts and entities considered relevant to the Project:

- Ngāti Manuhiri Claims Settlement Act 2012 - Ngāti Manuhiri Settlement Trust
- Ngāti Whātua o Kaipara Claims Settlement Act 2013 - Ngā Maunga Whakahii o Kaipara Development Trust
- Ngāi Tai ki Tāmaki Claims Settlement Act 2018 - Ngāi Tai ki Tāmaki Trust
- Ngāti Pāoa Claims Settlement Act 2025 - Ngāti Pāoa Iwi Trust

There are no signed Deeds of Settlement within the Project area.

The Project site adjoins Te Awa o Hōteu (Hōteu River) which is subject to statutory acknowledgment OTS-125-15 Hōteu River under the Ngāti Manuhiri Claims Settlement Act 2012.

5 Relevant Cultural/Mana Whenua Values

From the information available, the following values have been identified below.

Shared Cultural/Mana Whenua Value	Explanation
1. Rangatiratanga / Mana	A shared value is the exercise of Rangatiratanga / Mana, the exercise of authority and leadership. It is reflected in a number of ways: • Recognising the customary authority and role of Mana Whenua in resource management • Mana Whenua taking leadership role to restoring the mauri of te taiao • The importance of ahi kā and whakapapa/connection to place The Project has established the Executive Committee which includes membership of Mana Whenua and WMNZ. The Executive Committee provides for a collective approach to exercise Rangatiratanga / Mana. In addition to the Executive Committee are individual Relationship Agreements. It is considered that these existing

	agreements/relationships provide a pathway for Mana Whenua to exercise Rangatiratanga / Mana.
2. Kaitiakitanga	A shared value is the exercise of Kaitiakitanga. Although generally consistent across the Mana Whenua on the Executive Committee, there are individual expressions which differ because it is exercised in accordance with the tikanga of that particular Mana Whenua. The iwi documents that were reviewed provided an outline on what a practical expression of kaitiakitanga is, these are: • direct participation (viewed as being more than consultative role), • the protection and enhancement of mauri (includes restoring ecosystems), safeguard cultural heritage, and enable exercise of rangatiratanga in decisions, • onsite cultural monitoring, and • incorporates mātauranga Māori Currently, the Project provides for these matters via the Executive Committee and the tools/mechanisms available.
3. Protection of Waahi Tapu & Cultural Heritage	A shared Mana Whenua value is the protection of waahi tapu and cultural heritage. Although there is no known/recorded archaeological sites in the Project site, there are sites of significance in proximity to, and prominence (e.g Tohitohi o Reipae) in the wider vicinity of the Project. The iwi documents emphasised the importance of protecting cultural heritage and sites of significance and avoid adverse impacts.
4. Restoration and Protection of Te Awa o Hōteao	A shared value is the mana and mauri of Te Awa o Hōteao (Hōteao River). The statutory acknowledgment OTS-125-15 Hōteao River in the Ngāti Manuhiri Claims Settlement Act 2012 affirms the significance and cultural/Mana Whenua value of the Hōteao River and its catchment. A shared concern is the degradation of waterways within the Hōteao River catchment, and recognition that improving water quality is a major challenge. Restoring the mauri of Hōteao River and its tributaries is a key value, with suggested approaches such as co-ordinated efforts and the practice of sustainable development emphasised.

	Protection is viewed as the avoidance of further degradation of waterways, as well as protecting the efforts where restoration has occurred.
5. Recognise Kaipara Moana	A shared value is the holistic and interconnected relationship of Hōteio River and Kaipara Harbour. Avoiding increased contamination and sedimentation entering the Kaipara Moana from the Hōteio River is a priority for Mana Whenua.
6. Enhance and Protect of Native Flora and Fauna (Terrestrial Ecology)	A shared concern is the loss and/or decline of native flora and fauna. A common goal (and Mana Whenua value) is to enhance native biodiversity and its resilience. Indigenous ecosystem, and cultural sites, are intrinsically linked to whakapapa, mauri and cultural wellbeing of Mana Whenua. Preventing degradation and loss of native biodiversity is sought by the Mana Whenua, as well as active restoration and safeguarding indigenous ecosystem and ecological integrity. A goal is to enhance native biodiversity and its resilience.
7. Certainty	Understanding and managing the risks to the environment, and to people/communities, arising from landfills is a concern of Ngāti Manuhiri and other iwi and hapu, whether its risks arising from: • air quality / discharge to air (leading to risk to health) • contamination of whenua/land (to Papatūānuku) • activities in proximity to waahi tapu and cultural heritage sites

6 Recommendations

The following recommendations have been put forward to WMNZ.

Recommendations	Explanation
1 Avoid compromising the integrity of the Project's Executive Committee	The recommendation recognises that the Executive Committee established under the RMA consenting process and transition across to the Project embodies the Rangatiratanga / Mana and Kaitiakitanga values identified in section 5. The Executive Committee activates those two values and provides a forum for the other values to be applied and delivered within the Project. The recommendation anticipates that there is a risk to the integrity of Executive Committee in any potential transition from the RMA consenting process to the FTAA. The consultation requirements under the FTAA will require re-consultation with all Mana Whenua in Tāmaki Makaurau. A measure to avoid

	compromising the integrity of the Executive Committee is for WMNZ and Ngāti Manuhiri to actively engage with those Mana Whenua who are not members of the Executive Committee and seek to obtain support or written letters from them that supports the current membership on the Executive Committee.
2 Te Awa o Hōteao and Kaipara Moana – Co-Ordinated Effort	The restoration of Te Awa o Hōteao (Hōteao River) and enhancement/improvement of Kaipara Moana is a substantial task. The collective leadership within the Executive Committee (WMNZ, Ngāti Manuhiri, Ngāti Rango, Ngāti Whātua o Kaipara, Te Rūnanga o Ngāti Whātua, and Te Uri o Hau) has the capability to influence and co-ordinate the efforts to see improvements over the consent/approval duration.

7 Conclusions

The CCV report complements the engagement that is being led by WMNZ's Managing Director Mr Maehl and Project partner Ngāti Manuhiri through Mr Hohneck. Whetū has not participated directly in any engagement between WMNZ, Ngāti Manuhiri and Mana Whenua.

Whetū anticipates that the values and interests of Executive Committee identified within the CVA report will be presented to, discussed and progressed further with, Ngāti Manuhiri and other iwi and hapu after the lodgement of the referral application as part of the continued consultation and engagement activities.

8 Applicability

This report has been prepared for the exclusive use of our client WMNZ, with respect to the particular brief given to us, and it may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

We understand and agree that WMNZ will submit this report to the Environmental Protection Authority in support of a referral application under the Fast-track Approvals Act 2024 for the works described herein, and that the Environmental Protection Authority will rely on this report for the purpose of assessing that application.

Whetū Consultancy Group



James Whetu – Director and Principal Consultant