



13 March 2023

### **WAYBY VALLEY LANDFILL APPEAL TO RESUME AT PUATAHI MARAE**

The Wayby Valley (Dome Valley) proposed landfill appeal in the Environment Court will soon be underway at Puatahi Marae. The hearing will run from 3-6 April 2023 and will focus on the delivery of cultural evidence in opposition to Waste Management's application.

Originally the hearing was to have been held during 2022 but was delayed in September to provide Ngāti Whātua and Waste Management time to review potential alternative sites that had previously been considered by Waste Management in 2016-17. We found however that the data was outdated, and we needed updated site information which could not be created within the time we had available. We did recommend an interim alternative site, but Waste Management believed the site was not commercially viable. We were unable to reach an agreement.

In January 2023 we received notice via our legal team that Ngāti Manuhiri Settlement Trust (PSGE) had been in negotiations with Waste Management in late 2022 and had reached an agreement on conditions. We cannot be sure we have the full details of the agreement. There may be some aspects that are confidential. The agreement reached led to Ngāti Manuhiri Settlement Trust withdrawing their opposition to the landfill application and supporting Waste Management. This came as a major surprise to Te Rūnanga o Ngāti Whātua.

The Ngāti Manuhiri Settlement Trust's new position potentially undermines the opposition by Te Rūnanga o Ngāti Whātua, Ngāti Whātua PSGE entities, hapū, and marae. It undermines our opposition by dividing the iwi evidence into supporters and non-supporters, and them claiming sole manawhenua over the Wayby Valley area. Up until this time iwi, hapū, and marae had been unanimous in their opposition and working together. We remain firmly of the view that the need to protect the interests of uri and the wider community far outweighs the risks and damage associated with the proposed landfill.

The Environment Court last met in the first week of February. During the hearing there was a lengthy discussion about the agreement reached between Ngāti Manuhiri Settlement Trust and Waste Management. The court discussed section 6e of the Resource Management Act, and that they would consider the strength of argument from the competing cultural evidence. Historical and current day contexts would be relevant in their considerations. The court also requested the Chairs of Te Rūnanga o Ngāti Whātua and the Ngāti Manuhiri Settlement Trust meet with a view to reconciling differences, including Ngāti Manuhiri claiming exclusive manawhenua. Dame Naida Glavish and Mook Hohneck met on two occasions, one with the CE of Waste Management, but these talks did not result in the outcome we had hoped for.

Over the last month we have been working closely with witnesses to prepare cultural evidence that will be submitted at the Puatahi hearing. For most witnesses, this has involved building on the evidence provided in the first hearing in 2021. Our witnesses have done extremely well to have produced the evidence that they have.

The Environment Court is very keen to complete the full hearings in April 2023. We will keep you posted on progress. In the meantime, we encourage uri to attend the hearings in April.

Ngā Manaakitanga

Alan Riwaka, Manahautū, Te Rūnanga o Ngāti Whātua

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