

**To** Auckland Council  
By email to unitaryplan@aucklandcouncil.govt.nz

**And to:** Waste Management NZ Ltd  
c/ Tonkin & Taylor  
Attention: Rachel Signal-Ross  
By email to rsignal-ross@tonkintaylor.co.nz

**1 Name of submitter:**

Maria Louise Henare, aka Mina Henare-Toka, Kaitiaki, Tinopai Resource Management Unit

**2 Private plan change 42 (PC42):**

2.1 This is a submission on an application by Waste Management NZ Ltd for a private plan change to introduce a new precinct into the Auckland Unitary Plan – the Auckland Regional Landfill Precinct. This relates to the proposed construction and operation of a new regional landfill facility on approximately 1020 hectares of land at 1232 State Highway 1, Wayby Valley, between Warkworth and Wellsford **(the proposal or PC42, as context requires)**.

2.2 The full legal description for the property is identified in the Private Plan Change Request at Table 1.3.

2.3 The alleged reasons for PC42 are identified by the Private Plan Change Request as follows:

- *To appropriately recognise landfills as infrastructure within the AUP, by identifying a site within Auckland that has been assessed as being suitable for a new landfill, and describing this site through the use of a precinct and managing future effects of activities within the precinct through bespoke objectives, policies and rules;*
- *In anticipation of a landfill being established at the site, providing recognition of the site in the planning framework for the Auckland Region, consistent with the treatment of other large scale infrastructure in the region, and to manage potential future reverse sensitivity effects;*
- *To enable efficient operation of a future landfill at the site throughout its operating life, by targeting future re-consenting requirements to the nature of the discharge and measures to avoid, remedy or mitigate effects."*

3 I cannot gain an advantage in trade competition through this submission.

4 I am directly affected by an effect of the subject matter of the submission that—

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

5 The specific parts of the proposal that my submission relates to are—  
All of proposed PC42.

- 6 My submission is to **oppose** PC42; and to seek substantial amendments to PC42 (as a fallback). General and specific reasons are set out below.

**General reasons for this submission are:**

- 6.1 The proposal does not promote sustainable management and is inconsistent with Part 2 of the Resource Management Act (“RMA”). It results in adverse effects to:
- (a) s6(e) RMA – the relationship between mana whenua and their culture and traditions, whanaungatanga and tikanga over their ancestral lands, waters, sites, wāhi tapu and taonga;
  - (b) Adverse effects to the exercise of kaitiakitanga by mana whenua;
  - (c) Breach of principles of Te Tiriti o Waitangi (including rangatiratanga and the active duty to protect taonga).
- 6.2 The proposal results in more than minor effects and include significant, actual and potential adverse effects to the environment. These include:
- Adverse cultural effects to mana whenua and the related cultural landscape where the proposal is located;
  - Rāhui instituted by Te Rūnanga o Ngāti Whātua and their hapū and Marae in opposition to the proposal;
  - Intergenerational impacts including future generations impacted by the long-term landfill legacy
  - Adverse biodiversity effects;
  - Impacts on freshwater, including Te Awa Hōteu and its catchments, and risk of discharge of contaminants to Te Awa Hōteu and Kaipara Moana;
  - discharge (and unacceptable risk of discharge) of contaminants to water, land and air;
  - Adverse impacts to Papatūānuku and mauri;
  - Significant stream diversions & reclamations (exceeding 15.4 km)
  - Leachate (water and landfill gas)
  - Climate change and greenhouse gas emissions
  - Intrinsic values, amenity and quality of environment
  - Landscape and natural character
  - Traffic generated by the proposal
- 6.3 The proposal fails to adequately assess the relevant effects on the environment, benefits and costs, efficiency and effectiveness, relevant alternatives, consultation and information gathering, proportionate to the scale and significance of the proposal, which involves a regional-scale, permanent, landfill operation.
- 6.4 The proposal does not meet the relevant statutory tests in s32, s32AA and 1<sup>st</sup> Schedule of the RMA. As noted, it does not achieve the purpose of the Act. It is not the most appropriate option for achieving the objectives and policies of the Unitary Plan; and there are other reasonably practicable options and alternatives. It is not efficient, effective and does not achieve adequate outcomes. It is contrary or inconsistent with

the relevant Unitary Plan provisions and does not give effect to the Regional Policy Statement.

- 6.5 The proposal has not assessed the relevant cultural effects from all impacted mana whenua and tangata whenua. Te Rūnanga o Ngāti Whātua and/or Te Uri o Hau have not provided (to date) a cultural values assessment. Waste Management NZ Ltd and Council have failed to undertake best practice consultation and engagement; resulting in inadequate information on cultural and other effects of the proposal. The proposal does not meet the expectations of the RPS for mana whenua engagement which includes providing opportunity for active participation, partnership and meaningful engagement:

***"B6.2.2. Policies***

*(1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following:*

*(a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga;*

*(b) builds and maintains partnerships and relationships with iwi authorities;*

*(c) provides for timely, effective and meaningful engagement with Mana Whenua at appropriate stages in the resource management process, including development of resource management policies and plans;*

*(d) recognises the role of kaumātua and pūkenga;*

*(e) recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga;*

*(f) acknowledges historical circumstances and impacts on resource needs;*

*(g) recognises and provides for mātauranga and tikanga; and*

*(h) recognises the role and rights of whānau and hapū to speak and act on matters that affect them."*

- 6.6 The proposal fails to address:
- (a) alternative methods and sites that result in more appropriate long-term outcomes for the region;
  - (b) relevant benefits and costs;
  - (c) uncertainties and risks;
  - (d) alternative locations, reduced intensity and scale.
- 6.7 If PC42 is approved, then substantial amendments are required to the provisions to address the relevant adverse effects identified above. This includes amendments to the description, objectives, policies, methods and rules. Amendments should also address cultural mitigation, offsetting and environmental compensation of adverse cultural and other effects on mana whenua/tangata whenua and the wider environment.

6.8 The proposal should be declined under the 1<sup>st</sup> Schedule RMA. If not declined, then (as a fallback) substantial amendments to PC42 are appropriate.

**Specific reasons for this submission are:**

6.9 See attached document – Submission and Cultural Impact Assessment

**7 Outcome sought:**

I seek the following decision from the consent authority:

- (a) The proposal should be declined under the 1<sup>st</sup> Schedule RMA; and
- (b) **As a fallback:** If PC42 is approved, then substantial amendments are required to the provisions to address the relevant adverse effects, including intensity and scale, identified above. This includes amendments to the description, objectives, policies, methods and rules. Amendments should also address cultural mitigation, offsetting and environmental compensation of adverse cultural and other effects on Te Rūnanga o Ngāti Whātua, Te Uri o Hau and the wider environment. Further particulars will be addressed at any hearing of this application.

398.1

398.2

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at the hearing.



Signature of submitter  
(or person authorised to sign  
on behalf of submitter)

Date 30/7/20

(A signature is not required if you make your submission by electronic means.)

Electronic address for service of submitter: minahenare2@gmail.com

Telephone: 0212313469

Postal address (or alternative method of service under section 352 of the Act):

Contact person: [name and designation, if applicable]

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**SUBMISSION AND CULTURAL IMPACT ASSESSMENT**

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**WASTE MANAGEMENT NZ LIMITED**

**APPLICATION FOR RESOURCE CONSENT AND PLAN CHANGE 42**

FOR THE CONSTRUCTION AND OPERATION OF A NEW REGIONAL LANDFILL PRECINCT AND FACILITY  
ON APPROXIMATELY 1020 HECTARES OF LAND AT 1232 STATE HIGHWAY 1, WAYBY VALLEY,  
BETWEEN WARKWORTH AND WELLSFORD (THE PROPOSAL).

25 MAY 2020



Submitted by Mina Henare-Toka, Kaitiaki, Tinopai Rohe

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Mana atua

Mana tangata

Mana whenua

Mana Kaipara

Power from the gods

Power from the people

Power from the land

Power from the Kaipara

Ko tokatoka te Maunga	Tokatoka is our mountain
Ko Wairoa te Awa	Wairoa is our river
Ko Taprapora te Tauranga	Taporapora is the landing place of our waka
Ko Kaipara te moana	Kaipara is our waterway
Ko Pokopoko te taniwha	Pokopoko is our taniwha
Ko mahuhu e waka	Mahuhu is our ancestral waka
Rongomai te rangatira	Rongomai was the chief of Ngati Whatua
Ko Ngati Whatua te Iwi	We are the Ngati Whatua People

Tihei mauri ora

I sneeze! it is the lifeforce of the skyfather [Ranginui] and the earthmother [Papatuanuku]

## AUTHORITY

I am a descendant of Rangiwhapapa and Te Hana, my great grandfather is Henare Wharara Toka [w Hana Maraea Wharara Toka]; my grandfather is Ngiro Wharara Henare [w Te Ami Irimana Henare], my father is Kevin Hunia Henare [w Glenice Henare] and my ancestry binds and connects me to the Kaipara Harbour, mana tupuna. I am authorised to provide this Submission in the form of a Cultural Impact Assessment as (i) Mana Whenua; (ii) as kaitiaki; (iii) as Te uri o Hau and (iv) of Ngati Whatua descent.

I am authorised to provide this Cultural Impact Assessment pursuant to (i) the rights of our people under the Declaration of Independence 1835 declaring our people's sovereignty over their lands; (ii) the rights conferred upon mana whenua pursuant to te Tiriti o Waitangi 1840 Article 2 providing that the Crown protect Tino Rangatiratanga [self-rule] status over their taonga [in this case Kaipara Harbour]; (iii) the rights conferred upon mana whenua under the Resource Management Act 1991; (iv) The New Zealand Coastal Policy Statement – Policy 2 recognising the Treaty of Waitangi, Tangata Whenua and Maori; (v) the Marine and Coastal Area (Takutai Moana) Act 2011 – rights conferred



under mana tuku iho recognising the mana of iwi and hapu in relation to the foreshore and seabed; and (vi) Auckland Unitary Plan Section B.6 recognising the rights of mana whenua and acknowledging participation of mana whenua in the Resource Consent process (“the Acts”).

The proposed Landfill, Resource Consent and Plan Change applications and the formation of a landfill that encroaches upon the Hoteo River and its tributaries will have a **MAJOR** adverse effect on mana whenua, tangata whenua, the wider Kaipara community, the future generations and Kaipara Moana.

## IWI – TE URI O HAU CONNECTION

“Te Uri o Hau are a hapu of Ngati Whatua with mana whenua, cultural, traditional, spiritual and historical territorial rights throughout its Estates and Territory; Statutory Area of Interest, including Kaipara Harbour. Te Uri o Hau’s area of interest encompasses area’s north of Wellsford in the south to Te Arai taking in the Mangawhai Heads to the east, to Pikawahine in the north, across to Mahuta gap on the west coast to Pouto peninsula.

Kaipara Harbour is culturally, historically, traditionally and spiritually significant to all of Te Uri o Hau as a food basket. As such, the harbour is recognised in legislation as a “Statutory Acknowledgement” under the Kaipara Harbour Coastal Area in the Te Uri o Hau Claims Settlement Act 2002; Te Uri o Hau Deed of Settlement 2000; and Te Uri o Hau Settlement Historical Claims Schedules 2000. The Kaipara Harbour (and Mangawhai Harbour) is inclusive of Te Uri o Hau’s area of interest, which extends out to the exclusive economic zone. Te Uri o Hau’s associations with these statutory acknowledgement areas are recognized in regional and district operative plans, and the following Te Uri o Hau’s legislative documents:

- Te Uri o Hau Claims Settlement Act 2002;
- Te Uri o Hau Deed of Settlement 2000;
- Te Uri o Hau Settlement Historical Claims Schedules 2000; and
- Te Uri o Hau Kaitiakitanga o Te Taiao Environmental Management Plan 2011.”.

Source: Te Uri of Hau

The proposed Landfill, Resource Consent and Plan Change applications and the formation of a landfill that encroaches upon the Hoteo River and its tributaries will have a **MAJOR** adverse effect on Kaipara Moana, Te Uri o Hau; Te Uri o Hau’s Estates and Territory: Statutory Area of Interest (Appendix 1), and in particular the mauri ora of Kaipara Harbour.

## TREATY OF WAITANGI - BREACHES

Article 1 of the Treaty provides that the Queen will have authority over her people as kawana (Governor); Article 2 of the Treaty provides that Maori are guaranteed chieftainship [tinorangatiratanga] over their lands, natural resources and taonga (treasures). Article 3 confers the rights of a British citizen upon Maori. The Treaty of Waitangi is effectively a Licence to Occupy. On this premise, the taonga on the lands are, according to Article 2, under the full authority (tino rangatiratanga) of Maori. The Treaty is a “treaty partnership” between the Queen (ergo NZ Government) and Maori Chiefs [and their descendants]. As such the following are breaches of the Treaty as viewed by mana whenua, uri and Iwi.

### 1. A Treaty Partner

The Queen may have had the intention to honour te Tiriti however the British colonists did not – Maori were [and still are] treated as second class citizens of no substance with a limited life span “eventually becoming extinct”. Post Treaty, Maori mana was diminished by Government introducing laws to suppress, oppress and repress Maori (Refer Appendix 2 –

Legislation Violation of the Treaty of Waitangi – The First 150 years). Local Authorities today treat kaitiaki as second class citizens of no substance and afford kaitiaki no mana. This is reflected in the state of the Kaipara Harbour – a dying harbour, symptomatic of resource management monopolized by Local Authorities – there is no partnership with Maori. WMNZ and Auckland Council are guilty of suppressing the rights conferred upon mana whenua under the Acts and in this instance the RMA as follows:

- (a) *s6(e) RMA the relationship between Maori and their culture and traditions, whanaungatanga and tikanga over their ancestral lands, waters, sites, wāhi tapu and taonga* – WMNZ and Auckland Council have failed to identify the adverse effects on Kaipara Harbour and have failed to notify and engage with Te Uri O Hau, kaitiaki, mana whenua and tangata whenua o te Kaipara;
- (b) *s6(g) The protection of customary maori rights* – A Rahui was placed over the entire landfill site at a ceremony on 13 June 2020 on Hoteo River; WMNZ and Auckland Council failed to recognise the customary maori rights of rahui, the Tonkin Taylor Adverse Effects on the Environment (T&T AEE) filed on 17 June 2020 does not address the issue;
- (c) *s7(a) Kaitiakitanga* – is a Maori customary right that WMNZ and Auckland Council have failed to acknowledge in the T&TAEE. WMNZ have encroached upon kaitiaki rights conferred under Article 2, by not considering kaitiaki as monitors in the T&TAEE but appointing their own monitors to monitor the whenua and the surrounding ecosystems, wetlands and special areas of concern to kaitiaki;
- (d) *s8 the Treaty of Waitangi (including rangatiratanga and the active duty to protect taonga)* – on 20 January 2020 Te Rununga o Ngati Whatua (TRON) hosted a hui with WMNZ and Global Olivine (alternative waste to energy). WMNZ gave a 1.5hour presentation on the logistics of the landfill proposal and its possible effects on the environment; Global Olivine gave a 40minute presentation on the logistics of a waste to energy power station and its limited effects on the environment. At that hui the attendees, including TRON, Te Uri o Hau, Uri and Marae voted to oppose the Proposal. Auckland Council have failed to recognise the mana conferred upon Maori under Article 2 as Treaty Partners who have said no to the proposal.

## 2. Notification

The Application was registered with Auckland Council in 31 May 2019 and the Applicant requested that the Application be notified to the public. Auckland Council notified the public the day after lockdown being 26 May 2020 – a year later? The notification process was manipulated to put Maori on the back foot from the outset and restricts kaitiaki ability to complete proper due diligence. as follows:

- 2.1 The first meeting with Auckland Council was in January 2019, the application was registered on 31 May 2019 and notified to the public on 26 May 2020. As treaty partners Maori should have been involved with the Resource Consent process from first contact in January 2019. **WMNZ and Auckland Council have failed to honour the mana conferred upon Maori under Article 2.**
- 2.2 **“WMNZ has gone through an extensive site identification and selection process over several years”.** The site selection was a desktop exercise. The Hoteo River and all the tributaries at Wayby Valley 1 Site flow into the Kaipara. **Breach RMA 6(e) – WMNZ have failed to identify the Kaipara Harbour/Kaipara Moana [and its relationship**

with] Te Uri o Hau, Marae and kaitiaki/mana whenua o te Kaipara as adversely effected parties.

- 2.3 Auckland Council notified the Application a day after COVID19 Lockdown, being 26 May 2020. It is arguable that COVID19 Lockdown time was not a “**NORMAL WORKING DAY**”, in fact it was an extraordinary period 25 May to 26 April – no one was allowed to leave their home, there was no travel and businesses had locked down and shut. The adverse effect of Auckland Council to notify kaitiaki of the Application during COVID19 Lockdown is that marae and kaitiaki have not had enough time to digest the 4000 plus pages; research landfills and the relevant rules, regulations and laws encompassing this Application and have not had the benefit of due process in calling a hui with marae and mana whenua to discuss the Application. Breach – Part 2A 58N Guiding Principles – Auckland Council has failed to “work together in good faith... to communicate with each other in an open, transparent, and honest manner”.

## CULTURAL VALUES

### Kaipara and Mana Whenua - Whakapapa

“The Kaipara is the landing place of our ancestral waka Mahuhu that landed approximately 1250AD. Rongomai, rangatira of the waka, drowned at Taporapora so his son Te Po Hurihanga left the Kaipara and sailed Mahuhu to the far north in the Rangaunu harbour. Three hundred years later our Ngati Whatua ancestors returned to reconnect with Mahuhu people that never left the Kaipara. The Kaipara is the super highway of Ngati Whatua hapu that live around its shores. Kaipara connects us and enables us to support each other and is used to underpin most of our economic activities. The Kaipara sustained us for generations. Our ancestors belief system personified the creation of the universe, hence the skyfather and the earthmother and their children, guardians of the natural environment. Papatuanuku coveted by tane, her son created a natural environment where the forests stretched right down to Kaipara’s shoreline. The myriad of birds that lived in these forests were deafening in their morning and evening chorus. The sound of snapper crunching pipi shells was also deafening. The colonial settlers that arrived in the Kaipara in 1862 set about obliterating the forest. Kaipara became the busiest port in New Zealand as ships exported our forests around the globe, a match was put to what was left on the ground, which sometimes burnt for up to six months. Canneries were established around the Kaipara to export tinned mullet. Boats were especially developed to catch mullet. Within five years the mullet fishery was seriously depleted. Since then the Kaipara fishery has continued to be exploited, especially since the introduction of the quota management system. Te Waonui a Tane (The great forests of Tane) have been destroyed, Tini a Tangaroa (the offspring of Tangaroa, god of the sea) have been decimated, the shellfish are under a blanket of silt and now we are to endure the waikino (leachate) to start poisoning the Kaipara from Hoteo. Tikanga is our customary practises which define us as uniquely Maori. Tika means correct, and nga means plural so tikanga means all our practises that are correct. Kaitiakitanga is a customary Maori practise which means guardianship, protecting, nurturing. Where resources that sustain hapu are involved rahui are applied to protect them. Burying paru (rubbish) in Papatuanuku (Earthmother) desecrates the tapu of our Earthmother. As kaitiaki we have a responsibility to care for our Earthmother who in turn nurtures, protects and provides all the sustenance required for te hunga ora (the living). We cannot stand by and let our moana be desecrated by the poisons that will flow out of Papatuanuku from the landfill and into the Hoteo river.” Source: Mikaera Miru

## Kaitiakitanga

“Kaitiakitanga is the role played by kaitiaki. Traditionally, kaitiaki are the many spiritual assistants of the gods, including the spirits of deceased ancestors, who were the spiritual minders of the elements of the natural world. All the elements of the natural world, the sky father and earth mother and their offspring; the seas, sky, forests and birds, food crops, winds, rain and storms, volcanic activity, as well as people and wars are descended from a common ancestor, the supreme god. These elements, which are the world’s natural resources, are often referred to as taonga, that is, items which are greatly treasured and respected. In Maori cultural terms, all natural and physical elements of the world are related to each other, and each is controlled and directed by the numerous spiritual assistants of the gods.

These spiritual assistants often manifest themselves in physical forms such as fish, animals, trees or reptiles. Each is imbued with mana, a form of power and authority derived directly from the gods. Man being descended from the gods is likewise imbued with mana although that mana can be removed if it is violated or abused. There are many forms and aspects of mana, of which one is the power to sustain life. Maoridom is very careful to preserve the many forms of mana it holds, and in particular is very careful to ensure that the mana of kaitiaki is preserved. In this respect Maori become one and the same as kaitiaki (who are, after all, their relations), becoming the minders for their relations, that is, the other physical elements of the world.

As minders, kaitiaki must ensure that the mauri or life force of their taonga is healthy and strong. A taonga whose life force has been depleted, as is the case for example with the Manukau Harbour, presents a major task for the kaitiaki. In order to uphold their mana, **the tangata whenua as kaitiaki must do all in their power to restore the mauri of the taonga to its original strength.** In specific terms, each whanau or hapu (extended family or sub-tribe) is kaitiaki for the area over which they hold mana whenua, that is, their ancestral lands and seas. **Should they fail to carry out their kaitiakitanga duties adequately, not only will mana be removed, but harm will come to the members of the whanau or hapu.”** Source: Kaitiakitanga by McCully Matiu – Report and Recommendations of the Board of Inquiry – The New Zealand Coastal Policy Statement 1994

**Our calls to stop the landfill have not been heard; our mana trampled on once again by local authorities and government. Working with local authorities who ignore our calls for help in saving our Kaipara is dehumanising and humiliating. The realisation that our mana is not being heard in, what Maori class, as an assault on our mana and culture, will result in an even further depressed and suppressed people with no hope. This alone is a good reason to decline the application and landfill.**

## Rahui

**“rahui 1. (verb) (-ngia,-tia) to put in place a temporary ritual prohibition, closed season, ban, reserve - traditionally a rāhui was placed on an area, resource or stretch of water as a conservation measure or as a means of social and political control for a variety of reasons which can be grouped into three main categories: pollution by tapu, conservation and politics. A rāhui is marked by a visible sign, such as the erection of a pou rāhui, a post. It is initiated by someone of rank and placed and lifted with appropriate karakia by a tohunga.”** SOURCE: WIKIPEDEA

As kaitiaki we have a responsibility to place a political rahui, aukati over the whenua to prevent the landfill beside the Hotoe river. The bible of resource management is the Resource Management Act 1991 (“RMA”). It states very clearly in the purpose of the act, sections 5-8 (see Appendix 3) 5(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations 5(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems. 5(c) avoiding, remedying or mitigating any adverse effects on the environment. **6(e) shall recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; 6(g) the protection of customary maori**

rights (Rahui); 7(a) shall have particular regard to kaitiakitanga; s7(aa) shall take into account the ethic of stewardship; and 8 shall take into account the Treaty of Waitangi (Te Tiriti). Rahui is legislated for in section 6(e) and (g); 7(a) and (aa) and 8 because it is a customary practise which embraces our traditions of kaitiakitanga, to protect the mauri 5(b) for future generations 5(a).

We were invited by the Fight the Dome Committee on 9 June 2019 to a hui at Wellsford Community Centre. 150 people+ of the Kaipara community turned up including Iwi, Marae, Mana Whenua, tangata whenua, Dr Jason Smith, Mayor of Kaipara District Council and the Wellsford/Warkworth Community. The Dome Committee presented the hui with the facts of the MWNZ Application (see Appendix 4). The issues were clear 15km of waterways will be destroyed; flora, fauna, invertebrates and terrestrials will be destroyed and replaced with a landfill dump. The mauri ora of papatuanuku will be destroyed by bulldozers and the land will be replaced with a plastic bladder which is to be filled with Auckland rubbish, 80% industrial waste 17% of that would be toxic. SOURCE: FIGHT THE TIP WEBSITE

The vote to place a rahui over the site, waterways and Hoteo River was unanimous. The Rahui was placed on 15 June 2019. Two stones were brought from the Kaipara Harbour and placed as pou in the Hoteo River. Those pou will not be removed until such time as the Application is declined.

Rahui and/or Waahi Tapu are the backbone of Maori culture and society. The rahui placed on the proposed site and the Hoteo River is an indication to Government that the people do not want a landfill in Dome Valley. Auckland Council and Central Government are obliged under the Treaty to allow the people/mana whenua the right to protect their taonga. **The Kaipara is our taonga, to protect it; the Applications must be declined.**

MWNZ propose to clear fell 60ha of Dome Valley flora and fauna including filling in or demolishing 15km of springs, water ways and rivers. The proposed site used to be known as "Spring Hills" because it had natural springs on the site. The site is subject to rahui which was set down on 15 June 2019. **The application was notified on 22 March 2020 without any reference to the rahui placed the previous year earlier – the Application must be declined.**

**To ignore the placing of a Rahui is to ignore Maori, our culture, our values, our mana, our rights and our treaty partnership under the Treaty of Waitangi [and all the other legislation (see Supporting Legislation Appendix 5)] that supports tino rangatiratanga.**

## KAIPARA HARBOUR/KAIPARA MOANA MAURI ORA

### State of the Harbour – An Historical View

I was born in Hamilton in 1962, raised in Otago until 1982, my father is from Tinopai and we are shareholders in Te Komiti Blocks 2A2, 2A3B, Oruawharo and Potou – Kaipara is my turangawaewae; the place I call home. For the first 20 years of my life, every Christmas we lived on Te Komiti Block 2A3B for 6 weeks together with any long weekend, weekends and sometimes weekdays (March for Snipe hunting). I remember the Kaipara Harbour in those days (1970/80/90) when you could hear the sound of the snapper crushing pipis, the noise of crabs, pipis and other kaimoana moving around on the sand. We used to gather kaimoana for the 6 weeks and take it to Otago to our large freezer so that we could eat kaimoana during the winter periods. There was always enough kaimoana for the village. There were so many scallops back then in EVERY finger of the Kaipara, there was not just one place to get them they were everywhere, even within a quick paddle on our lilos to the sand bar 5 metres from our campsite. In storms the scallops used to wash up on the beaches across the Kaipara in their thousands – people used to come to the beach to collect them. The flounder were so abundant when we went floundering with a spear and a tilly, we would stand on them. If there was a group of us kids going floundering with dad we used to pull the punt behind us and fill it up in no time. Commercial fishing of flounder at that time was under the jurisdiction of Maori fishermen, my grandfather Ngiro, and Uncles were commercial fishermen and my aunty owned the Tinopai

Fisheries. They fished traditionally and practised conservation, when Maori were fishing the harbour there was still plenty of fish to go around the entire hapu and the holidaymakers – until the introduction of the Quota Management System in 1986. The snappers of 20kg were normal, it would take you 10 minutes to get a feed of good-sized fish, 5 minutes to start a fire and 5 minutes to cook in butter! – better than any restaurant I have eaten in around the World. Papis and cockles were the size of my adult palm, cockles hung out by the freshwater river mouths and papis hung out in the sandy beaches. The quality of the oysters was nothing I have ever seen again, rich creamy and makes your mouth water just thinking of them. They were the NZ rock oyster not only rich and creamy but clean and clear without colouration. Birds used to fly over us as we sunbathed on our beach; there were many and they were all native, we used to hear kiwi at night. Along with this we had kai from freshwater rivers and lakes, seaweeds that our mussels grew in and our mussels were green lipped and fat. With the millions of flounder came the dolphin and with the dolphin came the Orca – you'd have thought we were living in heaven.

#### State of the Harbour – Oral History from Kuia and Kaumatua

“I remember when we used to go out to Puketi Point with a piece of No. 8 wire, the mullet were feeding on the mussels and you could see them making a splash in the tide. We used to whack the wire into the mullet from the beach, they were so close, and 9/10 times we would stun a few and take them home for kai.”

“We used to collect mussels from Puketi Point, everyone around the Tinopai Peninsula used to go there and if there was a tangi or hui somewhere, they always used to come to Tinopai, Puketi Point and pick the mussels. Hundreds and hundreds of mussels in potato sacks – it [Puketi] was always like that when I was a kid.”

Kaipara has sustained our hapu since our settlement in 1250AD and provided us with many thousands of feeds over the years.

Pre-colonialism – ecosystems, swamps and wetlands [especially] were a major source of food, fresh water, bird life and industry, we maintained them; Mangroves were revered and full of juvenile kaimoana which attracted big fish. What happened was the introduction of farming, bad land management, removal of 90% of wetlands, swamps and ecosystems; agriculture; forestry, subdivisions, Pakeha Government and Pakeha Laws.

#### State of the Harbour – Kaitiaki Today

Today Kaipara has no mussels, no scallops, no cockles, few flounder and we haven't seen a dolphin or orca for 2 years. Our oysters are green, cloudy and of far less quality than when I was younger. Although edible, they have deteriorated to the point I hardly go out. When you float in the Kaipara today you hear NOTHING, there are fewer birds, and 90% of our wetlands have been destroyed.

Since the introduction of Pakeha practices the Kaipara has deteriorated to the brink of extinction. It is no longer the food basket of plenty. My tutor from Northtech (Horticulture) said one day that “if they [Councils and Government] carry on with the same ill-advised practises, the Kaipara Harbour will completely fill up with silt and become farmland”. Another environmental expert from AUT advised that “mitigation does not work and is detrimental to the environment – you cannot mitigate a lost wetland”.

700,000 tonnes of silt drains into the Kaipara every year; that is 20,000 tonnes per day through bad land management and under the jurisdiction of Kaipara District, Northland Regional Council and Auckland Council. NRC are responsible for air, water, land and ecosystems in the Northern Kaipara Harbour, Auckland Supercity/Regional Council are responsible for air, water, land and ecosystems in Southern Kaipara Harbour. Our lands have been cleared of forests and replaced with fields of grass what used to be forest down to the coastline is now bare land that all leads into the Kaipara.

Subdivisions have insufficient wastewater management, silt control and a myriad of issues. Forestry practices decimate our freshwater ways, rivers and ecosystems. Up until 2 years ago the Government did not know where Kaipara Harbour was, even though the Kaipara Harbour is the largest natural harbour in the World. It covers 947 square kilometres (366 sq miles) at high tide with 409 square kilometres (158 sq miles) at low tide. SOURCE: WIKIPEDIA.

I believe that a proposal of this scale with so much destruction and a high percentage of that destruction ending up in the Kaipara Harbour would create “dead zones” within Kaipara. The state of the harbour today is at a critical level SOURCE: IKHMG, if a disaster happened at the proposed site and leachate made it to Kaipara it would be the end.

For this reason alone, the application must be declined.

## JURISDICTION

### Auckland Councillors vs. Commissioners

Are commissioners appointed so that the Councillors at Auckland Council (“the Councillors”) do not have to face the wrath of their “people”; or are the commissioners appointed as the scape goats for when the Application is consented to; or have they been appointed because it is widely recognised that there is a conflict of interest; why are there commissioners? I believe the whole process of being elected in your electorate was so that that electorate has representation in “important matters” - the [death of] Kaipara Harbour is an important matter; it is the largest harbour in the Southern Hemisphere “all of New Zealand should be concerned at the possible desecration of our Kaipara”. Is there going to be a Councillor at every hearing? to report back to the other “councillors”; has this been considered or are the Councillors out of touch with why they are there?

### Kaipara Harbour and its Tributaries

Kaipara Harbour will be an adversely affected taonga and Auckland Council acknowledges this by requiring WMNZ to consult with Iwi and Marae of Kaipara Harbour. In January 2020 WMNZ met with Te Rununga o Ngati Whatua, Te Uri o Hau, Marae and Uri of the Kaipara Harbour in acknowledgement that the Kaipara Harbour will be an adversely affected taonga.

The Kaipara Harbour is the largest natural harbour in the Southern hemisphere covering approximately 1000 sq.km (366 square miles). It is so large that it comes under the jurisdiction of several Councils:

- 1 Auckland Council
- 2 Rodney Ward
- 3 Northland Regional Council
- 4 Kaipara District Council
- 5 Whangarei District Council

The main players being Auckland Council, responsible for the Southern end of the Kaipara environment and Northern Regional Council being responsible for the Northern end of the Kaipara environment. Appendix 6 shows the division of the Kaipara Harbour between the two Councils. Common sense leads us to believe that, although there is a line drawn in the middle of the harbour, any leachate, silt or pollution coming into the harbour through Hoteo River (Appendix 7 Site Map – Rivers) will disperse throughout the entire harbour. Leachate, silt, pollution do not recognise the line drawn through the middle of the harbour. The fish, dolphins and whales do not identify the line drawn through the middle of the harbour, what effects the southern end of the harbour, effects the northern end of the harbour. This, therefore, leads us to jurisdiction. It is not possible for Auckland Council to issue a resource consent [and any consent to discharge] which will have an adverse impact on Kaipara Harbour if jurisdiction on the northern side of the Kaipara is NRC.

Auckland Council does not have jurisdiction over the entire Kaipara Harbour and therefore cannot issue the Resource Consent. For this reason alone, the application must be declined.

### Pandora's Box

This entire application has opened up Pandora's box and the reality that the Kaipara Harbour is dying [in part] because of the actions of Local Councils, Government and its/their advisers. Right now, I have a helicopter buzzing in my ear spraying our waterways with toxic chemicals, yet 2 years ago we stopped them because the activity was illegal. What happened - NRC introduced "permitted activities" in their Regional Plan, now everything that was controlled is a "permitted activity". Why? Because they do not have enough monitors to monitor the entire Kaipara Harbour.

### Kotahitanga

*"when you create winners and losers, you have lost the essence of kotahitanga"*

The many Councils and their different attitudes to "environmental management" is detrimental to the health and well-being of the Kaipara Harbour and tangata whenua. Our village communities are suffering because of the indecision and the inability to act as one. It is written in law that mana whenua have jurisdiction over our natural resources and taonga. Kaipara Harbour is our taonga and the food basket of ngati whatua. Where is our participation in this application process? Te Uri o Hau was not identified as an adversely effected party and yet they are representatives for the uri of the Kaipara Harbour.

The lack of consultation with adversely effected parties together with the lack of "firm data and/or information" in the T&TAAE; together with the lack of infrastructure to properly support the Kaipara Harbour; are palpable reasons why this application should be declined.

## THE APPLICANT

Beijing Capital Group Co Limited is China. China is a communist state which suppresses and oppresses its citizens and ironically makes profits from its democratic investments, \$500m profit goes to China from Waste Management New Zealand landfills. Which leads us to the question why is New Zealand and the other governments of the World not placing embargos on this, now dictatorship, as they have with many dictators in the past? As kaitiaki and a person from the land China is offensive in its actions:

### Hong Kong

*"China is committing human rights abuses in Hong Kong... Police officers unlawfully assaulted bystanders and protesters, arresting almost 7000 people since protests began... Reuters reported last month that Beijing has ramped up the presence of security forces in Hong Kong to as many as 4,000 personnel...Along with Chinese troops, 12,000 personnel are now stationed in the city - most likely the largest Chinese security deployment ever in Hong Kong."* Source: Al Jazeera – Joshua Wong Hong Kong Student

*"China's government sees human rights as an existential threat. Its reaction could pose an existential threat to the rights of people worldwide."* Source: Human Rights Watch – Report 2020

*"Authorities subjected Uighurs, Kazakhs and other predominantly Muslim ethnic groups in Xinjiang to intrusive surveillance, arbitrary detention and forced indoctrination."*

*LGBTI people faced widespread discrimination and stigma in society. Due to inadequate medical services, they took serious risks by seeking unregulated and improper gender-affirming treatments. LGBTI people also faced abuses in the form of "conversion therapy".*

*The government continued to intimidate, harass, and prosecute human rights defenders and independent NGOs, including raids on their homes and offices. Human rights defenders' family*



*members were subjected to police surveillance, harassment, detention and restrictions on their freedom of movement.* " Source: Amnesty International

There is a litany of human rights violations by China on the World Wide Web; China and/or Chinese nationals are prevalent property owners throughout NZ, they have their own political party in NZ who do not acknowledge the Treaty of Waitangi and have become a threat to our constitution, te tiriti.

### Is New Zealand a Democracy or a Communist State of China?

This application is a classic example of how China has placed immense pressure on the NZ Government, Overseas Investment Advisory and Auckland Council to breach the laws of New Zealand to push through a landfill that has been outlawed under Auckland Council's legislation – see further laws below. The habit of China to walk over its people to get what it wants is exactly what Auckland Council is doing to the people of New Zealand. Should Auckland Council allow this Application to go through, ignoring the calls from both Wellsford and Warkworth communities and Maori (te tangata, te tangata, te tangata) to decline the application, then we are no longer a democracy but essentially a communist state; and annexe of China. **For this reason alone, the application must be declined.**

## THE WASTE MANAGEMENT APPLICATION

### Certificates of Title – Their True Purpose

Prior to British colonialism our lands were one and were treated as one, connected., separated only by the boundaries defined by Iwi, hapu and marae. A title is a piece of paper that delineates the land, flora, fauna et al from its neighbouring properties, giving owners the false sense of owning a piece of land separate from all other. Our cultural value is not a piece of paper but the whenua that is connected to and comprises the whole of New Zealand and the World. The land is integrally connected to the soil, the awa, flora fauna and life itself – Mauri Ora. Land is not an inanimate thing that can be manipulated like some cartoon figure, as proposed by Tonkin Taylor (Mitigation). It is a living breathing and spiritual thing in the eyes of papatuanuku, maori and all other indigenous people of the World. Therefore, the Hoteo infinitely connects the Kaipara Harbour to it and vice versa. **The adverse effects of the landfill proposal at Wayby Valley will impact on the environment, the whenua and surrounding waterways will degrade the Kaipara Harbour and there is a probabilitiness that the Kaipara will form dead zones. For this reason alone, the application must be declined.**

### Concerning Statements from TTAEE

The Resource Consent is a "non-complying activity under the Resource Management Act 1991 ("RMA") and relies heavily on mitigation and monitoring. The wording in the report's conclusions "The proposal will have more than minor effects on stream habitat and terrestrial flora and fauna", in other words the proposal will have a **MAJOR EFFECT ON STREAM HABITAT AND TERRESTRIAL FLORA AND FAUNA**. The Application's initial site works includes: destroying 15km of streams, waterways, rivers, springs, wetlands, ecosystems, flora, fauna, invertebrates and ecosystems; clearing 60ha of Valley 1 site; taking clay from the Western block and compounding that clay on Valley 1 site. There is a requirement for daily cover and soil deposits which will include contaminated soils. They intend to shoot at birds, introduce start guns and electrify fish in the waterways. The construction poses a threat to ranginui and papatuanuku. The entire T&TAEE is flawed with words like "probabilitiness" and "unlikeliness" "typically" "potentially" "generally" and "broadly typical". These statements are not hard facts and the T&TAEE is rife with probabilitiness' – unacceptable considering they have had "several years" to draft the Resource Consent application and the accompanying TTAEE. **The probabilitiness that the landfill will leach into the Kaipara Harbour is high,**

the likelihood that the adverse effects on an already ailing Kaipara would be major and therefore this Application must be declined.

### The Site

At the meeting with WMNZ on 20 January 2020, after the presentation from WMNZ and the presentation from Global Olivine (Waste 2 Energy Powerstation) those present agreed that the Site is vulnerable and voted unanimously to decline the Resource Consent Application and the Plan Change PC42. Listed below are SOME of the reasons the applications must be declined:

#### Site Description

The landfill is sited in a valley rife with waterways, the property is known as Spring Hill, it has the highest rainfall in Auckland City, it has tomos and the ground is generally unstable. At the meeting with WMNZ on 20 January 2020, WMNZ advised that they did not carry out any tests or surveys on the actual Valley 1 site (60ha) because there were access issues. This shows the apathy that WMNZ have for the site considering it took them 6-7 years to find the “perfect site”.

#### The Hōteu River

The Hōteu River is recognised as a Natural Stream Management Area (NSMA) and an Outstanding Natural Feature (ONF) along the western edge of the WMNZ landholdings. Two wetland areas are located along these waterways, which are recognised as Significant Ecological Areas (SEAs) and Wetland Management Areas (WMAs). All waterways on the site lead into the Hoteu River, ergo Kaipara Harbour, desecration of the special areas and contamination of Kaipara is inevitable.

#### Auckland's Water Supply

Auckland Waterboard (circa 1986) earmarked the entire Dome Valley as a future water reservoir for Auckland's water supply. Auckland today is in the midst of a drought and their reservoirs are only at 50%. [Source: Watercare Services]:

#### **“About the drought**

*Since the start of the year, the region has received significantly less rainfall than normal. This is having a big impact on our water supply. On 15th April, the total volume of water stored in our dams dropped below 50 per cent for the first time in more than 25 years. We desperately need to preserve what's left.”*

Watercare have also identified the Dome as a potential reservoir for Auckland City, which is in contradiction to this application.

#### Ground Stability

Tomos are formed when ground water dissolves underlying limestone rock. The dissolved hole enlarges to a point where it can't support the ground above it. Rubble falls into the hole initially supporting overlying material but leaves a visible 'slump' on the surface. Water erodes the supporting material so that eventually the overlying material also falls away leaving a hole.



A 'tomo' or sinkhole covered in vegetation, Waitomo

The Site is rife with waterways and easily identified Tomo which leaves the site, particularly the bladder, in a vulnerable and degrading position. One of the requirements when siting for landfills is that Landfills should not be sited on unstable ground or near water aquifers/waterways.

#### *Pine Forest*

Maori culture identify any forest, even pine, as the clothes of papatuanuku placed there by her son, our ancestor, Tane mahuta. The Site and its pine forest have the same respect given to it as a native bush; the pine forest nourishes and protects everything that lives within it and has its own ecosystem and value to papatuanuku; The short tail and long tail bats, a threatened species, navigate and rest in the pines every night. To replace something that has value in the eyes of kaitiaki with the landfill that has negative effects undermines the principals of kaitiakitanga.

#### *Landfill Failure*

Although Fox Glacier may not be a "modern landfill" with bladder protection, the chances of the bladder failing, the chances of flooding the site are more than just probable they are likely to happen. This is a piclargeture of the cleanup of the Fox Glacier site [mainly plastics], which is still ongoing – Fox Glacier is 13km (8.1miles) long Kaipara Harbour is 947 sq.km (366 square miles). Cleanup would be impossible.



## THE LANDFILL AND THE ENVIRONMENT

### The Bladder Lining

At the meeting with Te Rununga o Ngati Whatua anors on 20 January 2020 they passed around examples of the liner. The thickness of liner showed a scale about 12mm thick and was rigid, however, when asked how thick the liner for the landfill is WMNZ advised that it was 1.5mm thick – the illustration they showed us was not to scale. Once again, T&T representing WMNZ could not be specific about the bladder lining, which led everyone at the meeting to consider if they can't give us specifics at the Resource Consent stage, when are we going to get the specifics?

Furthermore, the life expectancy of the proposed lined landfill is 700 years (T&T) by which time all biomatter would have decomposed by then. We posed the question what about plastics, plastics last forever, proof of the pudding is the Fox Glacier washout – they were only collecting plastics which had survived for many years. There was no answer from T&T.

**For this reason alone, the application should be declined.**

### Sustainability

The landfill will only take Auckland's waste for 35 years, this time frame will be shorter should the landfill take waste from other areas such as Whangarei. When posed with the question what happens when Valley 1 is full, T&T confirmed that, once they get the Plan Change 42, they will be able to use Valley 2 (already earmarked for the future) and then another valley and another valley and so on and so on. Dumping Auckland's rubbish for the next 100 years into the landfill precinct will decimate the mauri ora and beauty of Dome Valley. There is no question in my mind that the practice of continually dumping rubbish into the valley is untenable and puts continuous strain on the surrounding environment.

**For this reason alone, the application should be declined.**

### Adverse Effects on the Environment

Flora, fauna, invertebrates et al, wetlands, specially marked areas and ecosystems should be given the same consideration that T&T have afforded humans. WMNZ propose that humans will not be adversely effected by the smell, the noise, the air pollution, the toxic conditions and the continuous din 24/7 because there is no human habitation within 1000 metres of the landfill. WMNZ have failed to afford the same consideration to the habitats within the forest and it is clear that all wildlife living within 1000 metres of the landfill will be adversely affected.

**For this reason alone, the application should be declined.**

### Adverse Effects on Future Aquaculture

TRMU and our Iwi, Te Uri o Hau have had discussions on mussel and oyster farms in the Kaipara Harbour; Initially the mussel farms because they are being used in the Thames River to help with their siltation problem. The threat to possible aquafarms in the Kaipara from leachate is very real; The kaimoana, mana whenua, Iwi and future business prospects for Maori would be adversely effected from pollution coming out of the Hoteo River. **For this reason alone, the application must be declined.**

## MITIGATION AND MONITORING DOES NOT WORK

The destruction of the environment will never be mitigated or replaced. When a boy grazes his left knee you don't put the sticky plaster on the right knee and say its all going to be all right. Mitigation is a word that T&T use to make their bad stuff look good.

### Mitigation Strategies

The general mitigation strategies to be undertaken on site include:

- Minimise land disturbance – there is major land disturbance with respect to felling of the pines (normal procedures decimate the entire area); there is major land disturbance with respect to moving clay from the Western block to set down the foundations of the landfill. **Proposed mitigation will not work**
- Stage construction and minimise open areas of earthworks – The threat of silt finding its way into the Kaipara has been confirmed by T&T <sup>[Source: T&T@20.1.20 meeting]</sup> who expect to contribute 29,480 tonnes of silt yearly into the waterways and eventually Kaipara. **Proposed mitigation will not work**
- Protect steep slopes – the entire area is rife with steep slopes, landslides and tomos. **Proposed mitigation will not work**
- Protect watercourses; - the site is rife with waterways, rivers and hidden tomos that all lead into the Hotoe River ergo the Kaipara. The site is subjected to the highest rainfall in the Auckland region “receiving on average 2000 mm per year, compared with central Auckland which experiences 1200 mm per annum.”. **Proposed mitigation will not work**
- Provide rapid progressive stabilisation of exposed areas; There is major land disturbance from a continual circulatory construction of unsealed roads around the circumference of the landfill site. **Proposed mitigation will not work**
- Install perimeter controls to divert clean water around earthworks areas to avoid generating more sediment laden water. [For the reasons above] **Proposed mitigation will not work**
- Employ detection devices. [For the reasons above] **Proposed mitigation will not work**
- Train staff and contractors; It is my experience that whenever you replace an experienced trained staff member or contractor with a new staff member/contractor there is a degree of loss of knowledge that occurs with the eventual result being detrimental and even losing the core reason, for the monitoring and training. **Proposed mitigation will not work**
- Inspect, monitor and maintain the controls.

### Tonkin & Taylor and their Dinosaur Approach

T&T rely heavily on Mitigation and Monitoring to alleviate the damage that WMNZ will cause to the Site, the Hotoe, The Kaipara; and the people and kaimoana who rely on the Kaipara. T&T's practises to mitigate, set off and monitor does not work and in fact these practices are responsible for the poor health of the Kaipara Harbour. TRMU have had experience of T&T mitigation that has not worked on one of our largest identified wetlands in Tinopai (“Wetland 1”). A local landowner made an application to subdivide their land, T&T acted on behalf of the landowner and proffered mitigation to protect the Wetland 1.

### KDC Resource Consent Conditions Removed without Notification

The Decision made by Kaipara District Council and Northern Regional Council (Joint responsibilities) contained 33 Resource Consent conditions for KDC and 17 Resource Consent conditions for NRC. Our community was happy with the resource consent conditions which forced the landowner to protect a Level 1 protected Wetland 1, together with the resource consent conditions a Deed of Covenant in

favour of KDC was placed on the Titles. The Resource Consent was issued in June 2009 expired in June 2014 and was extended out to November 2014 as there was an appeal lodged; in October 2014 the landowner applied to KDC to have 14 of the Resource Consent conditions removed; this variation to the Resource Consent was not notified and KDC removed 14 conditions. Including:

*"A plan for amenity and enhancement planting of Lots 1 to 12, for the purposes of softening the overall effect of the subdivision and **protection of amenity values in the area**, together with an **ongoing monitoring and maintenance programme** for this landscaping for a period of three years shall be prepared and submitted to the Council for approval prior to the commencement of any works." = DELETED*

#### *NRC Resource Consent Conditions allowed to Expire*

At the same time, June 2014 NRC wrote to the landowner and advised that their Resource Consent (17 conditions) was about to expire and that the landowner would have to apply for a new resource consent to continue with the subdivision. In August 2014, an NRC monitor met with the landowner to discuss the resource consent, without notifying anyone the monitor returned to the office and archived the resource consent file entirely without any of the conditions having been implemented and/or monitored, effectively deleting their 17 conditions.

#### *Detrimental and Adverse Effects on the Environment as a Result*

At the completion of the subdivision Lot 1 was sold with a Deed of Covenant that protected the wetland. The new landowner ignored his obligations under the Deed and bulldozed 900sq.m. of the wetland to enhance his view of the beach. When TRMU made a complaint to NRC they advised that they are not obliged to monitor because their Resource Consent had expired and was no longer applicable. When we made the complaint to KDC they refused to come out to inspect, after many emails a monitor attended and confirmed that the Deed was breached but nothing was done about it. TRMU made further complaints to NRC who eventually came out to inspect the damage (1 year after the initial damage), NRC's monitor advised that the new owner had replanted the wetland he had cleared but from local knowledge we were told that he had landscaped the wetland and it was no longer a wetland.

#### *T&T Mitigation Did Not Work*

Because of the blunder by both KDC and NRC the beachside of the wetland has been destroyed; the damage caused by the new landowner was exacerbated by the weather because he cleared the land during May and October – another breach of the NRC conditions. The surface runoff from the upper half of the wetland caused major erosion both at the wetland and at the beach end of the wetland. Where the water used to pond and slowly meander to the beach has turned into a river that rages when it rains. The beach was a white sandy beach, because of the rushing river all of the sand at the northern side of the beach has been washed up-river onto Maori land oysters. The pipi and cockle beds are continuously covered in silt from the breached wetland and un-monitored earthworks by the landowner. Thereby the food basked at Tinopai has been detrimentally affected by the actions of 1 person.

#### *TRMU Calls for Help to Save the Wetland Falls on Deaf Ears*

We have contacted both NRC and KDC over a period of 4 years to help save the wetland and our beach. Our calls for help have fallen on deaf ears. The Northern side of the beach has been destroyed, people can no longer swim there because it has eroded down to the sandstone and uncovered rocks and old seashells. We no longer collect pipi and cockles from that area as they do not grow large enough to be picked. The oysters up-river have been covered in sand and can no longer be collected.

Mitigation does not work, for this reason alone, the application should be declined.

## Advisers Obligation to Protect New Zealand's Environments

I believe that it is the advisers who are hired by the landowners responsibility to uphold the laws of New Zealand including the rules of the Resource Management Act. Any act contrary to that results in detrimental destruction of our Kaipara Moana and whenua. TRMU have experienced manipulation by advisers to circumvent the RMA by applying pressure on Council staff who are uneducated in the law. Using a legal term to vary a Resource Consent condition for Wetland 1 which related to a driveway re-alignment. The Resource Consent reads:

*"The applicant agreed to realign these driveways, in consultation with the owners of the lots to determine the most suitable alignment. The Hearings Committee found that the requirement to realign the driveways should be undertaken at the first stage of the subdivision."*

The consultant acting on behalf of the landowner writes:

*"The refusal of the owners of Lots 1 and 2 DP 23803 to cooperate leaves us in a situation where the subdivision consent cannot be exercised. The condition is therefore ultra vires, because it is not lawful to include a condition in a resource consent that requires the approval of a third party. In order to alleviate the problem caused by this ultra vires condition, this is an application to cancel condition 3(e)."*

There was no ultra virus condition – the lawyer had not read the Decision and misinterpreted the situation to the owners of Lots 1 and 2 DP23803 by placing a ROW over the new Lot 2; the owners of Lots 1 and 2 responded by saying that the driveway was to be realigned to its original place, which did not require a ROW over the new Lot 2; the consultant manipulated the circumstances by calling it an ultra virus condition – no way forward. The resource consent condition was varied, the driveway was realigned incorrectly and a ROW was placed over the new Lot 2. There was no consultation or notification to the variation.

Mitigation is subject to manipulation and for this reason alone, the application should be declined.

### Summary – Mitigation and Monitoring Don't work

T&T Mitigation and Monitoring Proposals are only applicable in an ideal situation. The size of the proposed landfill together with the many, many anomalies that could adversely effect the surrounding environment and waterways, ergo Kaipara, can only result in the destruction of waterways and special ecological areas, including threatened native species of flora, fauna and invertebrates. These cannot be replaced.

Furthermore, tangata/manua whenua have been ignored by Councils when calling for monitoring and protection of our environment. NRC, the governing body over air, land, water and ecosystems, have failed us. KDC have made rudimentary attempts to assist us but have realised that much of the fault is their own [and NRCs] – negotiations have stopped, the breaches continue. We are also faced with the dogmatic advisers who do not uphold their obligations, as Kiwis, to uphold and protect our natural environments – they are our **WEAKEST LINK**. Unfortunately, the advisers see money before the trees, the land, the people and our environment. Tonkin Taylor is one of those advisers. *The Kaipara Harbour is no longer our food basket because of T&T's practices and local authorities neglect – for this reason the Application must be declined.*

## LANDFILLS VS. WASTE TO ENERGY

As mana whenua and kaitiaki I am obliged to protect our taonga from a wholistic viewpoint. The Proposal to replace trees including pristine native bush, waterways and rivers with Auckland's rubbish must be declined in its entirety. The potential of leachates reaching the Kaipara is likely because MWNZ cannot guarantee that the bladder will not leak. Fight the Tip have provided us with a list of reasons why the proposal should not go ahead – Appendix 9. Global warming and Covid19 in

my view, is a sign from papatuanuku that all is not well with the World. Westernization and Globalization have had adverse effects on the entire population of the World. To be forced to live in a World without feeling, touching or sharing breathe/hongi must be a sign to World leaders that something is wrong. Consumerism is a carrot fed to the masses without consideration for what it is doing to our people, papatuanuku, ranginui and the World.

### Waste Management v. Olivine NZ Presentation

In January 2020 I attended the presentation to Te Rununga o Ngati Whatua by Waste Management and Olivine NZ. The overall consensus was, and there was no doubt in everybody's mind, that the Olivine proposal is in line with our culture and its values. The MWNZ proposal was quite offensive in its nature and presentation. A list of some of the pros and cons which arose after the presentations as follows:

WASTE MANAGEMENT PROPOSAL		OLIVINE PROPOSAL	
PROS	CONS	PROS	CONS
	350-450 dump trucks being 900 movements to and from Dome Valley on SH1	Proposal to use trains; proposed M2E at Helensville, Whangarei and one other	
	No guarantee bladder lining won't leak; expected leachate to be stored on site; high probability leachate makes it into Hotoe River ergo Kaipara	It will burn all rubbish including domestic, industrial, commercial waste plastics, steel - everything and produce energy [power]	The only negative outcome is the production of carbon dioxide
	Bladder supposed to last from 80years to 700 years; plastic will last forever; potential to exposure in the future (eg. Fox Glacier Landfill)	W2E will produce 128,000 tonnes of fresh potable water daily	
	WMNZ not responsible if landfill leaches in the future - it becomes a government problem (eg CHCH Southern Response)	W2E companies working on reducing carbon emissions with new technologies	
	Landfill lifetime is only 35 years then they have to look for another site	W2E can be up and running in 5 years	
	Site is in a high rainfall area Site is on a Faultline	22 businesses can be created through utilisation of the Ash aggregates and recycling waste	
	They cannot guarantee the contents of the waste they receive - combustible waste, toxic waste, industrial waste, commercial waste	70%-80% of the waste was renewable energy from an intake of 70% industrial waste	
	The proposal will attract pests including rodents which are a threat to the surrounding native bush	It will provide 600 direct jobs and 2400 indirect jobs	
	Landfill combustible fires are likely during high summer temperatures	Biomass is used for the W2E plant, everything that can't be recycled is burnt	
	All of Auckland landfills combined have a capacity to generate 19MW of renewable energy per annum; 90% of Land Fill Gas (LFG) is flared/destroyed	W2E will provide 220MW per day	

### Landfills

*"In landfills that do not cover their waste with daily cover, air intrusion provides the oxygen required for increased biological activity decomposition that creates substantial heat and can cause material in the landfills to spontaneously combust."* [SOURCE: WIKIPEDEA]



Other than landfill leachates threatening the Kaipara, there is also the threat of fire polluting our Air and compromising the landfill bladder. There are many, many recent examples of landfill failures –

- 30 March 2020 – Landfill fire, Burnside Dunedin
- 27 January 2020 – Landfill fire, Puwera, Northland
- 26 January 2020 – Landfill fire, Portland, Whangarei
- 11 January 2020 – Landfill fire, Broadlands Road, Taupo
- 1 April 2019 – Landfill fire, Hampton Downs, Meremere

WMNZ – daily cover “A thin layer of soil placed on top of refuse at the end of each day to manage nuisance conditions such as odour, wind-blown litter, birds and vermin...”. Is the daily cover enough to prevent landfill fires, No as evidenced above.

It is no coincidence that these fires occurred within weeks of each other and at the highest temperatures experienced in New Zealand with most of the country sitting above 30°C. The hotter the atmosphere the more likelihood of spontaneous combustion. WMNZ could not guarantee the content of the rubbish being dumped, some household rubbish would contain old batteries, computers and other threats to the bladder lining:

- 31 March 2019 – Landfill Containment Failure, Fox Glacier – caused by freak flooding
- 24 October 2016 – Landfill Containment Failure, Kaiua, Waikato – caused by coastal erosion

WMNZ advised the hui that the bladder would last 700 years, however it was raised in a Zui in April that this figure was unable to be relied upon because there is not 1 bladder lined landfill that is 700 years old. We believe that this is a gross misrepresentation of the longevity of the landfill bladder.

Clearly Waste Management’s proposal to place a landfill in an area rife with waterways, well known for being the wettest area in the region [the site was known as Spring Hills Farm] and on a Faultline is asking for trouble. It is only a matter of time before that bladder is infiltrated (odds are) which will cause so much destruction, pollution, our worst nightmares. MWNZ imply in their application that they intend to fill another valley [Valley 2] in the Dome once Valley 1 landfill site has been filled. Auckland Council, Central Government and especially, Waste Management all know that landfill is a thing of the past. The World has moved on with renewable energy – why are we so far behind on this one? Why so blind? What is the influence that China has over our government? Auckland Council and Central Government are not upholding my rights as kaitiaki, landowner and a New Zealand Maori.

## Time to embrace the brilliance of technology to reduce waste

Mike ...



A waste to energy plant in Denmark, designed engineering company Ramboll.

### Excerpt from Global Olivine:

*A New Approach to 100% Recycling and Recovery of Waste and Natural Resources to Support our Fragile Earth*  
 Global Olivine has developed a world-class Resource Recovery and Renewable Energy facility that changes the way we view waste: - 100% recycling and recovery of materials - Controllable renewable power direct to business, community of national grid - Reliable and robust technology (with exceptional redundancy) - NO WASTE TO LANDFILL – waste is a valuable resource - Income – Rather than Landfill tipping & tax, without the waste & pollution - 200 MWnz with potential for 75% renewable energy (with permanent & large contribution to country carbon credits) - Multiple revenue streams reduce sensitivity to price changes - 123,000 tonnes/day of high quality potable water - Simple, effective and affordable solution to residual waste treatment - Employment and valuable industry to build local communities, and create new high skill jobs and crafts. - Recycle and recover valuable materials  
 Concept Layout of Global Olivine's Integrated Industrial Village, which welcomes complimentary industries to use the facility's mostly renewable energy, and by-product outputs for other value added manufacturing. A Message From the Founder - Warwick Davies "As a leading provider of specialist solutions for waste management for 30 years, I know the that the planet can no longer afford to use waste disposal systems that recover and re-use a mere fraction of the valuable resources contained in waste. Neither can we continue to produce massive quantities of potent greenhouse gases from landfills... pack ice has reduced in thickness by over 40%..."

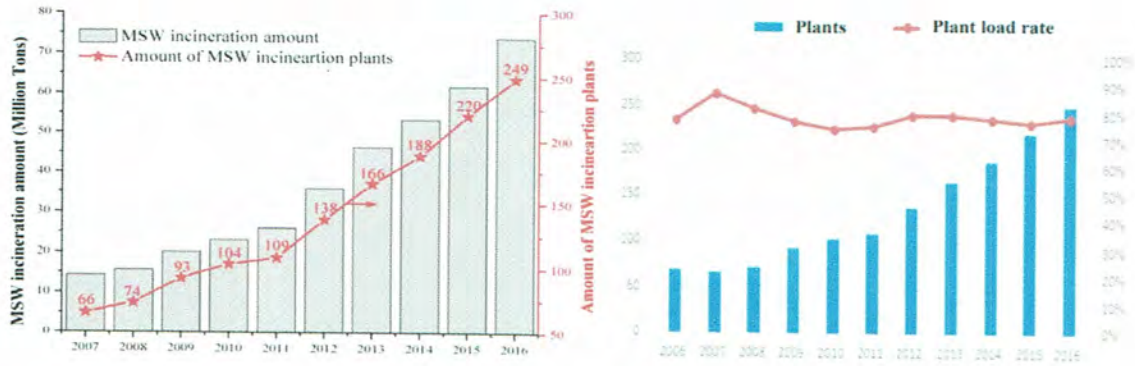
If there is an alternative to the rape and pillage of Papatuanuku by landfill then we are obliged to investigate the possibilities of waste to energy. At the hui in January 2020 Global Olivine confirmed the only byproduct that came from their furnaces was carbon dioxide and that they were working on that. This is the time to change – Auckland Council, the Applicant and Central Government need to acknowledge that change and bring balance back to our World. An acknowledgement of Maori as Treaty partners, Iwi as an equivalent to local Councils and Kaitiaki as guardians of our lands from the parties is what is required. As kaitiaki I oppose the Application and the Proposal in its entirety.

## Waste to Energy Powerstations in China

China no longer uses landfills and is converting all of its waste disposal to Waste to Energy

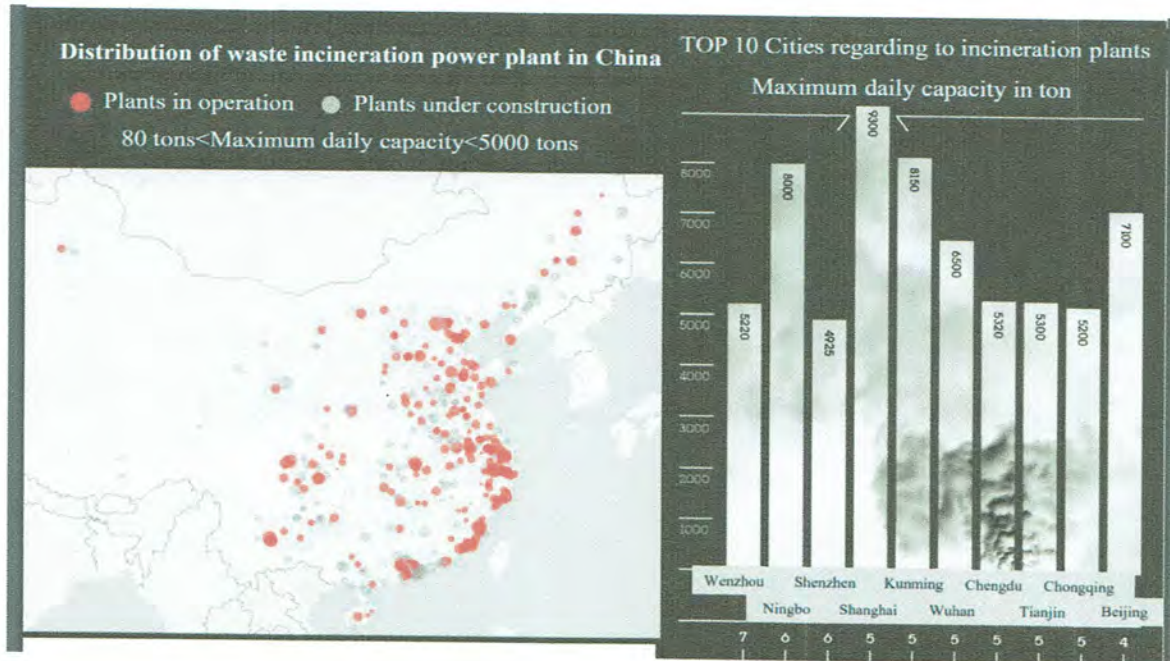
Powerstations: Source: State Key Laboratory of Clean Energy Utilization College of Energy Engineering Zhejiang University, Hangzhou, China

### MSW Incineration Amount and Incineration Plants in cities:



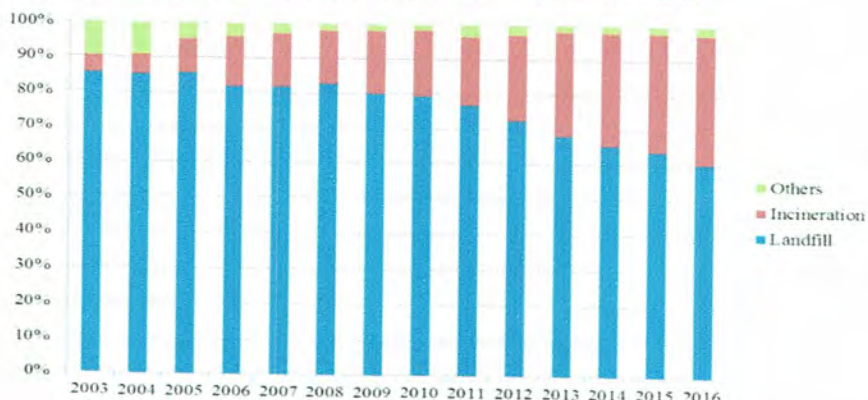
- The amount of incineration plants in cities: **66 in 2007 → 249 in 2016**
- The load rate of the MSW incineration plant: **at around 80%**

Data source: National Bureau of Statistics of China <http://data.stats.gov.cn/easyquery.htm?cn=C01>  
 The China Municipal Solid Waste Industry Development Report by China association of urban environmental sanitation & China urban construction research institute co. LTD



**MSW Disposal Situation in China:**

- **Landfill and incineration are main waste disposal methods in China**
- **Change tendency: Landfill-↓; Incineration-↑**
- **In 2016: Landfill 60.3%; Incineration 37.5%; Others 2.2%**



Data source: National Bureau of Statistics of China <http://data.stats.gov.cn/easyquery.htm?cn=C01>

MSW Treatment Methods in China

**Chongqing, China**



**Project scale: 2\*600 t/d, 2\*12 MW**  
**Running time per year: ≥ 8,000 h**  
**Capacity per year: 560,000 t**  
**On-grid energy per year: 1.35 GHW**

Tongxing municipal solid waste incineration power generation project (2\*600t/d)

**CONFLICT OF INTEREST**

**Auckland Council Monitoring**

Throughout the T&T AEE they stress how important landfills are for Auckland Council, that the landfill is an integral part of the Auckland Council’s infrastructure and without it Auckland Council would collapse. It is common sense that this places Auckland Council, Auckland Supercity, its Councillors and staff in a conflict of interest; AC seemingly cannot live without the landfill, it therefore goes to reason that anything that might “stop or shut down” the landfill (ripped bag, leakage into waterways, soil contamination, vermin inundation) will be conveniently overlooked and hidden by AC. It is for this reason that all of the monitoring and reports should go to an independent party who has a vested interest in the mauri of the land.

Auckland Council is in a joint venture with WMNZ regarding this landfill which also confirms that AC has a conflict of interest and should not be involved in the monitoring of the landfill site purely for this reason. It is our contention, in the following proclamations, to replace AC monitors with kaitiaki under the jurisdiction of marae and supported by Iwi, Auckland Council and WMNZ (technically and financially).

## RELIANCE ON MONITORING – COUNCILS FAILURE TO RESPOND

T&T then go on to confirm that the site work will have “...no more than minor effects on a range of other features of the environment including groundwater, surface water, air quality, traffic, noise and landscape” and that the Conditions of consent are proposed to ensure the proposal is appropriately managed – ie off-set Mitigation and Monitoring. As mentioned above, mitigation and monitoring do not work - Tinopai Resource Management Unit have had experience with Council, local authorities and central government who do not fulfil their obligations to monitor. It is because of this failure to monitor that the Kaipara Harbour/Moana are in the state they are in today – dying. We have houses built in reformed creeks within 20ft of the high tide without building consent, without resource consent and without iwi consent; we have breaches of land covenants which have destroyed Tinopai’s only white sandy beach; we have a rescue base erected on top of Tinopai Campground’s effluent field which diverts contaminated water directly into the Kaipara; we have major landscaping works being carried out opposite a wetland and that land having more than a 70% incline - without any silt traps, without resource consent and without building consent; we have aerial spraying of toxic chemicals over waterways, streams and the town supply – people got sick, had rashes, were vomiting after the spraying of the town supply. When called on several occasions [4 years of writing letters] to monitor and meet with tangata whenua to discuss our concerns, both Councils (Kaipara District and Northland Regional) ignored tangata whenua – see Appendix 8 Schedule of Works. *TRMU have met with tangata/manua whenua from all over the North Island and they concur that mitigation and monitoring is a farce and is destroying the Kaipara Harbour/Kaipara Moana and its freshwater tributaries – Local Councils inability to provide support to adversely affected parties and always favouring the landowner is biased, for this reason alone, the application should be declined.*

## THE FUTURE

### TINOPAI RESOURCE MANAGEMENT UNIT - KAUPAPA

#### *Northern Regional Council’s Failure to Make Submissions*

It has been brought to everyone’s attention the lack of presence from NRC; given that the Kaipara Harbour is supposed to be under the NRC jurisdiction; and given that Auckland Council have identified that Kaipara Harbour will be adversely effected by the Landfill

- why have NRC not identified that siltation and toxic pollution is harmful to Kaipara and Kaipara Moana?
- if NRC are responsible for Kaipara’s air, soil, water and ecosystems – why have NRC not made any submissions to protect the Kaipara?

#### *Replacing NRC and its Monitors with Marae and Kaitiaki*

Northland Regional Council has no presence in the Tinopai Rohe and even lesser presence in the Kaipara Harbour. It has advised TRMU that it has 15 monitors dedicated to the Kaipara but only 5 monitors are available on any given day. NRC monitors have declined to meet with TRMU when called upon to inspect serious breaches of the RMA in the Kaipara (see Appendix 8). NRC are so out of touch with the Kaipara it does not realise that Kaipara is dying from bad land management – NRC’s bad land management. TRMU’s kaupapa

***“to replace NRC and its monitors with marae and kaitiaki”***

has been borne out of necessity. It has become clear to TRMU that NRC do not know what is happening on the ground and are out of touch with its communities. Cowboys run free and cause major siltation and pollution damage to the Kaipara [in Tinopai] and when it comes down to the crunch, NRC support the landowners over kaitiaki and over the suffering Kaipara Harbour.

*Future Marae – Bringing Back the Balance*

There is a space for marae to be the hub of the future providing services which relate to kaitiakitanga. Management through the marae Resource Management Unit could provide services to our Community and the wider Kaipara Community, including (but not limited to):

- Resource Consent Submissions to protect the Kaipara
- Resource Consent monitoring
- Native Tree Propagation and Nursery
- Pest and Weed maintenance
- Wetland and Ecosystem regeneration
- Fencing

to name a few. If we look back at the services marae provided to its local community in the past (before being legislated out of its partnership), it is proof that given the opportunity Maori and marae can prosper and be effective in returning the Kaipara to its former glory:

1844

- i. OPOTIKI MAORI OWNED 2 COASTAL SHIPS AND WHAKATANE OWNED 1 BY 1850 MAORI TRIBES OWNED MOST OF THE COASTAL SHIPPING IN THE NORTH ISLAND IN 1858 THERE WERE 53 MAORI VESSELS OF MORE THAN 14 TONS REGISTERED IN AUCKLAND. MAORI SUPPLIED THE LOCAL MARKET WITH ALL ITS PRODUCE AND MAINTAINED A CONSIDERABLE EXPORT TRADE TO AUSTRALIA AND THE PACIFIC. CARGOES THEY CARRIED WERE CULTIVATED BY MAORI.

1857

- ii. IN 1857 THE BAY OF PLENTY, TAUPO AND ROTORUA TRIBES NUMBERING ABOUT 8000 PEOPLE HAD SEVERAL THOUSAND ACRES IN WHEAT, POTATOES, MAIZE AND KUMARA. THEY OWNED NEARLY 1000 HORSES, 200 HEAD OF CATTLE, 5000 PIGS, 4 WATER-POWERED MILLS AND 96 PLOUGHS. ON TOP OF THIS THEY OWNED 43 COASTAL VESSELS OF AROUND 20 TONS EACH AND MORE THAN 900 CANOES. THE SCALE OF MAORI TRADING CAN BE GAUGED FROM THE EXAMPLE OF ONE TRIBE, NGATI POROU OF THE EAST COAST. IN 1857 PAKEHA TRADERS PAID THEM £13,00 FOR 46,000 BUSHELS OF WHEAT

1914-1918

*MAORI WAR EFFORT*

- iii. TO A LIMITED DEGREE DURING WORLD WAR I, THE USUAL RULES BY WHICH NEW ZEALAND HAS BEEN MANAGED HAVE BEEN SUSPENDED. THE CONSISTENT POLITICAL AND ADMINISTRATIVE PRESSURE AGAINST TRIBE AND TRADITIONAL RELATIONSHIPS WERE RELAXED SO THAT THE STRENGTHS OF TRIBALISM COULD BE RELEASED TO SERVE THE WAR EFFORT. THEY FOUGHT WITH DISTINCTION FOR THE SYSTEM WHICH HAD DEPRIVED THEM, OVERNIGHT THE MAORI BECAME AN ASSET IN THE PAKEHA MIND RATHER THAN JUST AN IMPEDIMENT TO DEVELOPMENT

1939-1945

*MAORI WAR EFFORT – LT. COL. HEMPHILL’S REPORT*

- iv. “IN ORDER TO FOSTER AND RESTORE TO THE MAORI PEOPLE THE ANCIENT CHARACTERISTIC OF TRIBAL LEADERSHIP NOW SO VITALLY ESSENTIAL TO THE SUCCESSFUL PROSECUTION OF THE MAORI

WAR EFFORT, I RESPECTFULLY URGE THAT REPRESENTATIONS BE MADE... TO GIVE IMMEDIATE RECOGNITION TO THE PRINCIPLE OF TRIBAL LEADERSHIP (CONSISTENT WITH MILITARY EFFICIENCY) THROUGHOUT THE FIGHTING SERVICE”

Marae and Resource Management Units are and can be a successful option for change in the future. Maori and marae have the capacity to achieve the highest levels of development if given the chance, with training and education, the support and the finances. In turn, Maori must unite and live, breath and die – manaakitanga; whanaungatanga; kaitiakitanga and tino rangatiratanga.

#### *Kaitiaki and the Future – A No Brainer*

Our people are returning to their turangawaewae – the place they call home – Te Komiti/Tinopai. The overall affect of COVID19 lockdown has prompted many of our people to leave the City and return home. Our 2 marae, Waiaotea (Miru) and Waiohou (Henare-Toka) both represent at least 600+ beneficiaries each; There are 34 known marae on and around the Kaipara Harbour. 34x600 beneficiaries = 20,400 possible kaitiaki [approximately]; for those who want to return to their home grounds the kaupapa to replace NRC monitors with kaitiaki would bring the added advantage that we have more kaitiaki than NRC or any other council will ever have as monitors. This is also in line with NZ Government’s move to decentralisation and creation of employment within urban areas.

This kaupapa to replace [Council] and its monitors with marae and kaitiaki is authorised by te Tiriti o Waitangi and all the other supporting legislation (see appendix 8).

## CLEAR AND UNFETTERED POSITION – DECLINE THE APPLICATIONS FOR RESOURCE CONSENT AND PLAN CHANGE 42

The Applicant breaches many of the Auckland Council’s laws, bylaws, schemes and plans (see Appendix 5). At a meeting on 20 January 2020 the effected Maori parties met, including:

- Te Rununga o Ngati Whatua
- Te Uri o Hau
- Ngati Manuhiri
- Marae
- Kaitiaki

And unanimously declined/objected to the Applications for Resource Consent and (AUP) Plan Change 42. Furthermore, at hui (by zoom) in May and June over lock down, participants unanimously declined/objected to the Applications for Resource Consent and (AUP) Plan Change 42.

This position is a clear and unfettered position to decline the applications for Resource Consent and Plan Change 42.

## BACKSTOP – AN EMERGENCY PRECAUTION/LAST RESORT

It would be remiss of me, after 23 years of legal training, to assume that this Resource Consent Application and Auckland Unitary Plan Change 42 will be declined by Auckland Councillors who are in a conflicted state of interest, as is NZ Government (under the NZ China Free Trade Agreement); [Source: MFAT.govt.nz]

*“China is now New Zealand’s largest trading partner, with two-way trade valued at over NZ\$28 billion in 2018. China is also New Zealand’s second largest and fastest growing tourism market, largest source of international students, and a significant source of foreign investment.”*

The proposals in this section of the report are included because the probability that Auckland Council and its Councillors will approve the Resource Consent exists. It does not take away the fact that Maori, Iwi, Uri, Community, and mana/tangata whenua have declined the applications. This is purely a backstop plan which I propose be rolled out should the resource consent and PC42 be consented.

### Iwi Rohe Authority

Kaitiaki (all Maori) are the Treaty Partners with Auckland Council who have conflicted interests – tikanga dictates that Maori be the overruling party within the PC42 precinct.

T&T AEE report refers to several interested parties when it comes to Iwi participation in relation to the Wayby Valley Landfill site; They are:

- Mana whenua – In this case Ngati Manuhiri
- Ngati Whatua o Kaipara
- Ngati Rango
- Ngati Wai
- Ngai Tai ki Tamaki
- Ngati Maru
- Ngati Te Ata
- Ngati Whatua Orakei
- Te Kawerau a Maki
- Te Rununga o Ngati Whatua; and notwithstanding
- Te Uri o Hau

Their interest should form part of the Iwi Rohe Authority (“IRA”) which has authority over the Landfill site and surrounding areas. The complication of having 12 interested parties could be minimised by treating each party as a classified shareholder. For example, Ngati Manuhiri would have class A shares as its claim is mana whenua with full voting rights and participation; lesser share classification would have partial voting rights and possibly no participation etc. The IRA would last as long as the resource consent. Although the amount of interested parties and the complicating factors could be part of the reason we don’t already have IRA’s; the proposal should not be disregarded because of this mute point – there is always a way forward.

### Mana Whenua

Mana whenua will have an important part to play in the IRA, as proposed by T&T that monitors will be trained, we require those monitors to be mana whenua. These trained kaitiaki will be intimately connected to WMNZ; they will form relationships with Auckland Council, they will form relationships with Iwi Rohe Authority; and any reports that are sent to Auckland Council will be sent to both mana whenua and the IRA. This participation by Iwi will be limited to our rights as kaitiaki to protect, enhance, maintain and handover our natural resources (taonga) and legacy to the future generations. The IRA will have the power to stop the landfill activities should breaches threaten the surrounding waterways, whenua and/or mauri ora. Part of this participation is set down in the Pre-Resource Consent Conditions section below.

### Pre-Resource Consent Conditions

I previously submitted in this Assessment that Auckland Council have a conflict of interest in the establishment and monitoring of the WMNZ landfill at Dome Valley. This conflict is significant and will have an adverse effect on our Kaipara:

*“He korero kei runga, he rahurahu kei raro*

*While the top is speaking the bottom is meddling”*



As part of the kaupapa to replace Auckland Council monitors with marae and kaitiaki, under the umbrella of an Iwi Rohe Authority (“IRA”), we set out our pre-resource consent conditions (“PCC”) below. The rationale behind these PCC being “why wait” for the issue of a Resource Consent:

1. Training and Education – Mana whenua be trained and educated so that they can be monitors at the coalface to ensure that the dumping is in accordance with the Resource Consent conditions. For example, at the 20.1.20 presentation by T&T they stressed “that it was important that the load be dumped on the pad in a precise manner” and that “there would be monitors to ensure that this happens”.
2. Vermin and Predator control – There is an expectation of vermin, pests and predator inundation at the landfill site. T&T propose to prevent them getting into the landfill site with daily cover and immediate cover of soil. This will only displace the vermin and predators - where will those vermin/predators go? Chances are because they [vermin/predators] do not know the delineation of a Title – the risk is they go to the surrounding areas which will expose the natural stream area, outstanding natural features, significant ecological areas and wetland areas together with species at risk or threatened within those areas - which are all at jeopardy. A Vermin and Predator control programme should begin now whether or not the application is consented to [or not]. It is the landowners obligation to protect flora fauna and the natural environment - why wait?
3. Threatened Identified Areas – These areas should be fenced and that fence should have predator netting along it. This will keep vermin and predators out. Then a predator and vermin control programme/infrastructure started. The fencing and control programme will rid the special areas of predators why wait?
4. Threatened Species – the natural migration of threatened species like the short and long tailed bats is through the pine forest which is projected to be felled from the Site; removing that habitat from the bats. It takes 3 years to steer that migration around the Site, as is the practice in Britain. The migration of bats through the Pine trees can be manipulated so that they bypass the Site completely - but this takes 3 years. This programme should start now – why wait?
5. Enhancement Planting – WMNZ are to identify areas of enhancement planting and a site to replace the Pine forest removal, under the Koyoto Protocol – Carbon Credits. The T&TAE report advises that the replacement of the pine forest will take place over 10 years, if you understand the concept of carbon credits then you will understand, that the 10 year period will be deficient of carbon conversion by those proposed trees. The replacement of the pine forest should be identified by the WMNZ and take place at the same time as the removal of the Site’s Pine.

These pre-consent conditions would be overseen by marae and kaitiaki under the umbrella of the Iwi Rohe Authority; There is a requirement for both WMNZ and the IRA to work through the thousands of problems together, in unity, so that our interests over the Site as kaitiaki have been met.

## CULTURAL IMPACT

### Kaitiaki

“In order to uphold their mana, the tangata whenua as kaitiaki must do all in their power to restore the mauri of the taonga to its original strength. In specific terms, each whanau or hapu (extended family or sub-tribe) is kaitiaki for the area over which they hold mana whenua, that is, their ancestral lands and seas. Should they fail to carry out their kaitiakitanga duties adequately, not only will mana be removed, but harm will come to the members of the whanau or hapu.” *Source: Kaitiakitanga by McCully Matiu – Report and Recommendations of the Board of Inquiry –*

Any breach of the bladder would adversely effect mana whenua’s ability to collect seafood and feed their children. Marae are proud to show off their seafood to visitors but this pride has slowly disappeared along with the kaimoana. **The Application is a threat to mana whenua and marae and for this reason alone, it should be declined.**

### A Dying Kaipara Harbour

A breach in the bladder lining would mean leachate finding its way to the Kaipara Harbour, if any part of the landfill makes it to the Kaipara [be it siltation, rubbish, leachate, toxins] then the Kaipara and Kaipara Moana will not survive. **The Application is a threat to Kaipara Harbour and Kaipara Moana and for this reason alone, it should be declined.**

### Te Tiriti

The Kaipara is an extension of Maori who are intimately tied to their taonga through their whakapapa. The Kaipara Harbour is dying and mana whenua are struggling to survive, people of the Kaipara are suffering. The opportunity to save ourselves through kaitiakitanga and maoritanga is ebbing away. Where is the Treaty Partnership, where is the protection promised by the Crown for Maori:

*Article 4 – “At the meeting before any of the Rangatira had signed the Treaty, Hobson agreed under questioning from the Catholic Bishop Pompallier to read the following statement, which was a record of discussion on religious freedom and customary law, which Bishop Pompallier had had with the Anglican Missionary, William Colenso:*

*“The Governor says that the several faiths of England, of the Wesleyans, of Rome and also Maori custom and religion shall alike be protected by him.”.*

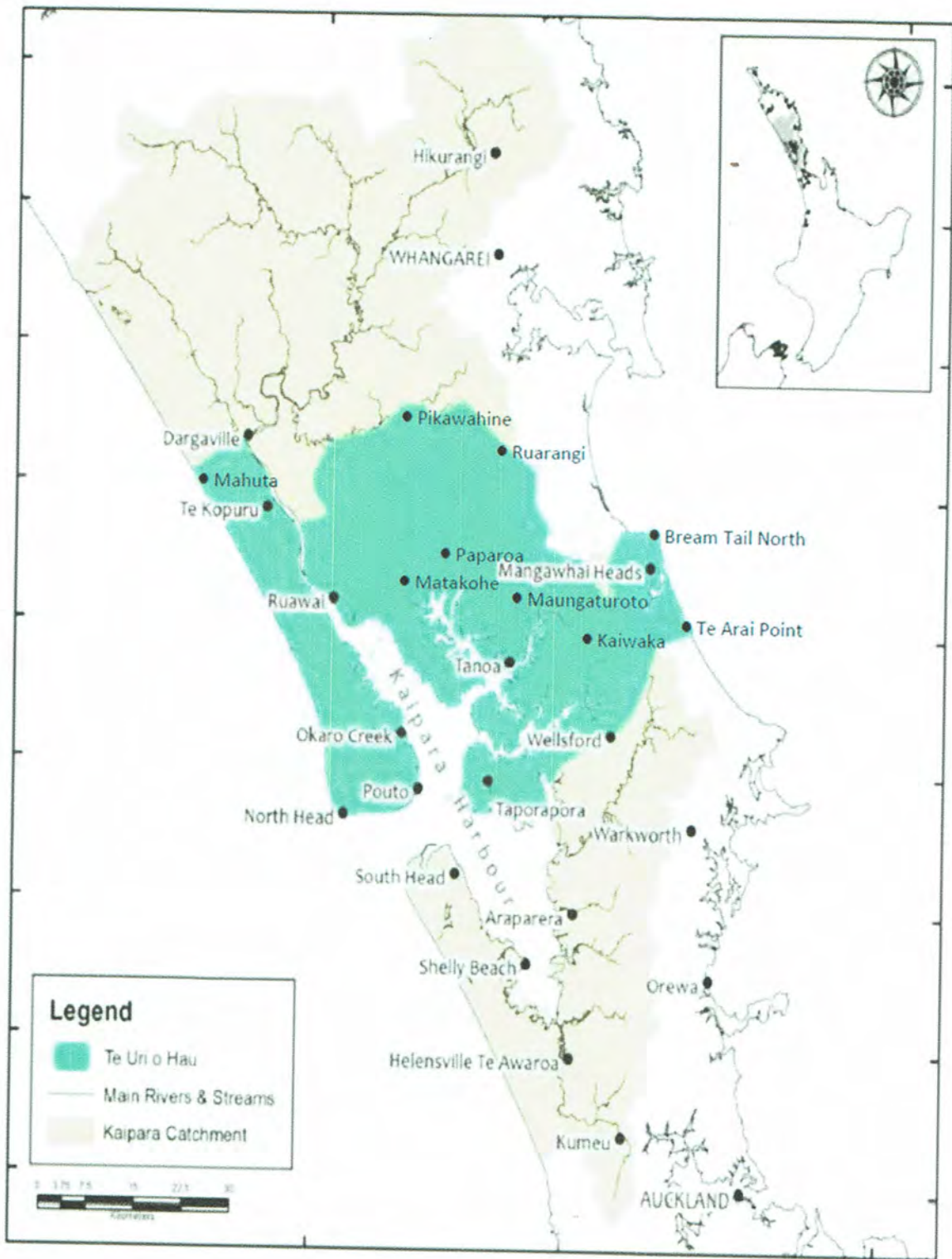
**To approve the Application for Resource Consent and PC42 would be to breach the Treaty of Waitangi and trample upon the mana of Ngati Whatua, Te Uri O Hau, Manuhiri and mana whenua. For this reason alone, the Application must be declined.**

## EXECUTIVE SUMMARY

The Site is unsuitable for a mega landfill. That is the message from your Treaty Partners, mana whenua, Iwi, Ngati Whatua and your communities.

# APPENDICES

## Appendix 1: Te Uri o Hau Statutory Area of Interest



Appendix 2: Legislative Violations of the Treaty of Waitangi – The First 180 Years

## Legislative Violations of the Treaty of Waitangi

### The First 150 Years:

**1500AD - 1830**

**MAORI OWNED 66,400,000 ACRES OF LAND**

**1825**

THE NEW ZEALAND COMPANY WAS ESTABLISHED IN BRITAIN

**THE NEW ZEALAND COMPANY WAS AN INDEPENDENT COMPANY IN NEW ZEALAND FOR LAND GRABBING – THESE PURCHASES WERE LATER ON SUBJECT TO OLD LAND CLAIM INVESTIGATIONS BY THE CROWN. ANY LAND CLAIM NOT SANCTIONED BY THE CROWN WAS TRANSFERRED TO THE CROWN NOT TO THE ORIGINAL MAORI LANDOWNERS**

**1835**

DECLARATION OF INDEPENDENCE

**1837**

FOR FEAR OF FRENCH ANNEXATION BRITAIN DECIDED IN PRINCIPAL TO INTERVENE IN NZ TO ENSURE REGULATED COLONISATION. BRITAIN'S NZ ASSOCIATION MERGED WITH THE NEW ZEALAND COMPANY

**1839**

THE NEW ZEALAND COMPANY SENT AGENTS TO NEW ZEALAND TO PURCHASE LARGE TRACTS OF LAND FROM THE MAORI BEFORE THE CROWN'S PRE-EMPTION RIGHTS CAME INTO FORCE [SEE 1841].

**THE COMPANY SOLD 1000 LAND ORDERS AND THE FIRST IMMIGRANTS ARRIVED IN 1840 AND DISCOVERED THE LAND SOLD TO THEM WAS DISPUTED BY MAORI**

**1840**

**TREATY OF WAITANGI WAS SIGNED**

**1840**

**THE CREATION OF THE PROTECTORATE DEPARTMENT**

APPOINTED GEORGE CLARK AS PROTECTORATE FOR MAORI AND THEIR INTERESTS BUT HE WAS ALSO RESPONSIBLE FOR CROWN PURCHASE OF LAND.

**A CONFLICT OF INTEREST**

**1840**

**NATIVE TENTHS RESERVES**

THE NEW ZEALAND COMPANY DECLARED THAT MAORI SHOULD RETAIN ALL THE LAND THEY USED FOR HABITATION, CULTIVATION, URUPA AND MAHINGA KAI. THEY ALSO GUARANTEED TO SET ASIDE 1/10<sup>TH</sup> OF ALL LAND PURCHASED FROM MAORI FOR THE BENEFIT OF MAORI VENDORS MAKING THE TENTHS THE TRUE PAYMENT FOR THE LAND AND CREATING THE FIRST RESERVATIONS

**IN MOST CASES THE 1/10<sup>TH</sup> OF ALL LAND WAS NOT UPHELD**

**THE NATIVE TENTHS RESERVES WERE LEASED WITH A 21 YEAR REVIEW SURVEYORS INCLUDED HABITATION, CULTIVATION, URUPA AND MAHINGA KAI WITHIN THE NATIVE TENTHS RESERVES**

**1841**

**LAND CLAIMS ORDINANCE**

WHEN REFERRING TO NATIVE LAND SALES PRIOR TO 1840, THE LAND CLAIMS ORDINANCE 1841 LIMITED THE AMOUNT OF ACREAGE TO BE SOLD BETWEEN MAORI AND PAKEHA TO 2560 ACRES PER INDIVIDUAL.

**ANY SURPLUS LAND SOLD PRIOR TO 1840 WAS TRANSFERRED TO THE CROWN INSTEAD OF IT BEING RETURNED TO MAORI**

1841

**LAND CLAIMS ORDINANCE**

LAND CLAIMS ORDINANCE STATED THAT LANDS NOT ACTUALLY USED BY MAORI BELONGED TO THE CROWN IN BREACH OF ARTICLE 2 OF THE TREATY

**WILLOUGHBY SHORTLAND, THE COLONIAL SECRETARY ASSERTED THAT MAORI RIGHTS TO LAND GUARANTEED BY THE TREATY ONLY EXTENDED TO LAND THAT WAS OBVIOUSLY USED BY THEM FOR HOUSING OR CULTIVATION AND ARGUED THAT THIS POLICY DID NOT CONFLICT WITH THE TREATY OF WAITANGI**

1844

**OPOTIKI MAORI OWNED 2 COASTAL SHIPS AND WHAKATANE OWNED 1 BY 1850 MAORI TRIBES OWNED MOST OF THE COASTAL SHIPPING IN THE NORTH ISLAND IN 1858 THERE WERE 53 MAORI VESSELS OF MORE THAN 14 TONS REGISTERED IN AUCKLAND. MAORI SUPPLIED THE LOCAL MARKET WITH ALL ITS PRODUCE AND MAINTAINED A CONSIDERABLE EXPORT TRADE TO AUSTRALIA AND THE PACIFIC. CARGOES THEY CARRIED WERE CULTIVATED BY MAORI.**

1844

**GOVERNOR FITZROY WAIVED THE CROWN'S RIGHT OF PRE-EMPTION IN ARTICLE 2 OF THE TREATY TO ALLOW FOR PRIVATE SALES TO TAKE PLACE DIRECTLY WITH MAORI. CREATING A "LAND GRAB." GOV. FITZROY BREACHED THE CROWN'S FIDUCIARY OBLIGATION TO STAND AS THE MAORI PROTECTOR AND GUARDIAN OF MAORI INTERESTS.**

1846

**NATIVE LAND PURCHASE ORDINANCE**

**GOV GREY STOPPED DIRECT SALES FACILITATED BY GOV. FITZROY IN 1844. HOWEVER, UNDER THE NATIVE LAND PURCHASE ORDINANCE 1846 HE APPOINTED NATIVE LAND PURCHASE COMMISSION AGENTS, WORKING FOR THE CROWN, TO PURCHASE AS MUCH MAORI LAND AS POSSIBLE. THE AGENTS WERE UNSCRUPULOUS OFTEN TARGETING WEAKER MEMBERS OF THE TRIBE, FORCING SALES UNDER THREAT OF MILITARY ACTION, PURCHASING FROM NON-OWNERS; PROMISING RESERVES FOR MAORI AND NOT DELIVERING, PROVIDING RESERVES**

**THAT WERE SMALLER THAN PROMISED OR WERE ON UNSUITABLE LANDS. THE NZ COMPANY PURCHASED LARGE TRACTS OF LAND FOR MINIMAL AMOUNT BEFORE THE MAORI BECAME AWARE OF HOW VALUABLE LAND WAS**

1852

**MAORI OWNERSHIP OF LAND REDUCED TO 34,000,000 ACRES IN 12 YEARS SINCE 1840 ALMOST HALF OF THE MAORI LAND OWNED IN THE KAIPARA HAD BEEN LOST**

1852

**IMPERIAL LETTERS AND POLICIES**

THESE PROVIDED FOR THE MAINTENANCE OF TRIBAL DISTRICTS IN WHICH MAORI CUSTOMARY LAWS AND PRACTICES WOULD PREVAIL

**IMPERIAL POLICIES WERE NOT APPLIED AT THE FRONTIER**

1852

**NZ CONSTITUTION ACT**

SAW THE ESTABLISHMENT OF PROVINCIAL GOVERNMENT. ONLY MALES OVER 21 HOLDING TITLE TO PROPERTY OF A CERTAIN VALUE WERE ENTITLED TO VOTE  
**VERY FEW MAORI WERE ELIGIBLE TO VOTE**

1856

**NATIVE RESERVES ACT**

AN ACT FOR THE MANAGEMENT OF LAND SET APART FOR THE BENEFIT OF THE ABORIGINAL INHABITANTS OF NEW ZEALAND. THE ARCHITECT OF THE ACT, HENRY SEWEL'S POINT OF VIEW

**"...[THE RESERVATIONS] IN TRUTH BELONGED TO THE CROWN, AND WERE VESTED IN THE CROWN FOR THE BENEFIT OF THE NATIVES, JUST AS IF THEY WERE INFANTS OR LUNATICS, NOT HAVING LEGAL CAPACITIES .... THEY [MAORI] HAVE NO EQUITABLE ESTATE, NO INTEREST IN THE LAND, AT LAW OR AT EQUITY, THEREFORE NO QUALIFICATION"**

**1857**

IN 1857 THE BAY OF PLENTY, TAUPO AND ROTORUA TRIBES NUMBERING ABOUT 8000 PEOPLE HAD SEVERAL THOUSAND ACRES IN WHEAT, POTATOES, MAIZE AND KUMARA. THEY OWNED NEARLY 1000 HORSES, 200 HEAD OF CATTLE, 5000 PIGS, 4 WATER-POWERED MILLS AND 96 PLOUGHS. ON TOP OF THIS THEY OWNED 43 COASTAL VESSELS OF AROUND 20 TONS EACH AND MORE THAN 900 CANOES. THE SCALE OF MAORI TRADING CAN BE GAUGED FROM THE EXAMPLE OF ONE TRIBE, NGATI POROU OF THE EAST COAST. IN 1857 PAKEHA TRADERS PAID THEM £13,00 FOR 46,000 BUSHELS OF WHEAT

**1859**

TE ATI AWA CHIEF TEIRA SOLD THE GOVERNOR LAND AT WAIATA WITHOUT SEEKING THE AGREEMENT OF THE OTHER CHIEFS WHO HAD AN INTEREST IN THE LAND, ESPECIALLY THE SENIOR CHIEF WIREMU KINGI.

**THIS WAS IN BREACH OF THE TREATY'S LAND GUARANTEE**

**1860**

**MAORI OWNED LAND REDUCED TO 21,400,000 ACRES**

MOST LAND IN THE NORTH ISLAND WAS STILL OWNED BY MAORI WHO HAD A DOMINANT ROLE IN AGRICULTURE.

**1862**

**NATIVE LANDS ACT**

DESIGNED TO BREAK DOWN MAORI COMMUNAL OWNERSHIP OF LAND. A LAND COURT WAS SET UP TO INDIVIDUALISE TITLE. AN AMENDMENT TO THE ACT MEANT THAT MAORI OWNERS COULD SELL TO ANYONE.

**THIS BREACHED THE PRE-EMPTION CLAUSE IN ARTICLE 2**

**LAND CLAIMS REPORT – GODFREY & RICHMOND**

PRIOR TO 1940 THERE WERE 890,000 HA IN LAND SALES; 500,000 HA WERE DEEMED AUTHENTIC SALES WITH ONLY 202,000 HA GRANTED

**THE BALANCE OF 298,000 HA WAS TRANSFERRED TO THE CROWN NOT RETURNED TO MAORI**

**1863**

**SUPPRESSION OF REBELLION ACT**

GOVERNOR GREY INVADES THE WAIKATO REGION, ACT SUPPORTS NO RIGHT TO TRIAL BEFORE IMPRISONMENT TO PUNISH CERTAIN ABORIGINAL TRIBES OF THE COLONY FOR REBELLING AGAINST THE CROWN

**CHIEFS WHO REBELLED WERE EXILED FROM NZ**

**1863**

**NEW ZEALAND SETTLEMENT ACT**

LEGITIMISED CONFISCATION OF LAND OF MAORI WHO "ENGAGED IN REBELLION"

**OVER 3 MILLION ACRES OF MAORI LAND WAS CONFISCATED**

**1864**

**NATIVE RESERVES ACT**

ALL REMAINING LAND RESERVED FOR MAORI USE WAS PLACED UNDER SETTLOR CONTROL

**1865**

**NATIVE LANDS ACT**

DESIGNED TO BREAK DOWN MAORI COMMUNAL OWNERSHIP OF LAND A LAND COURT WAS SET UP TO INDIVIDUALISE TITLE. A LIMIT OF 10 PEOPLE WERE RECORDED ON THE TITLE EVEN IF THE LAND WAS TRIBAL

THE ISSUE OF A CERTIFICATE OF TITLE ALLOWED THE SALE OF NATIVE LAND TO INDIVIDUALS CIRCUMVENTING THE PRE-EMPTION CLAUSE IN THE TREATY

**"TO ENCOURAGE THE EXTINCTION OF SUCH [MAORI] CUSTOMS AND TO PROVIDE FOR THE CONVERSION OF SUCH MODES OF OWNERSHIP INTO TITLE"**

**1865**

**NATIVE LAND COURT**

DESIGNED TO DETERMINE OWNERSHIP. MAORI OWNERS HAD TO SPEND MANY MONTHS IN TOWN WAITING TO HAVE THEIR CASES HEARD. IF THEY DID NOT SHOW UP THEY LOST THE RIGHT TO THE LAND. THIS CAUSED MANY OF THEM TO BUILD UP HUGE DEBTS AND THEY HAD TO SELL A LOT OF THEIR LAND TO PAY FOR THEM. MAORI OWNERS HAD TO PAY FOR ANY SURVEYING WORK THAT HAD TO BE DONE.

MANY MAORI OWNERS SOLD LAND RATHER THAN GO THROUGH THE HUMILIATING EXPERIENCE OF THE NATIVE LAND COURT. THE NATIVE LAND COURT WAS KNOWN AMONGST MAORI AS TE KOTI TANGO WHENUA – THE LAND TAKING COURT  
“EVEN SUCCESSFUL CLAIMANTS FOUND THAT IT WAS SO EXPENSIVE TO SECURE TITLE (INCLUDING COURT FEES AND PAYMENTS TO LAWYERS, INTERPRETERS, SURVEYORS, HOTELIERS AND THE LIKE) THAT THEY HAD TO SELL SOME OF THE INTEREST IN THE LAND THEY HAD BEEN AWARDED. DEBT ENTRAPMENT BECAME A STANDARD TECHNIQUE OF UNSCRUPULOUS LAND SPECULATORS, AND THERE WERE MANY FRAUDULENT DEALINGS.”

**1866**

**BETWEEN 1865 AND 1875, 10 MILLION ACRES OF LAND WAS LOST BY MAORI**

**1866**

**OYSTER FISHERIES ACT**

PREVENTED MAORI FROM FISHING COMMERCIALLY; MAORI COMMERCIAL FISHING ENTERPRISES AT THE TIME WENT BROKE AND THEY HAD TO SELL LAND TO MEET THEIR DEBTS

**1867**

**MAORI REPRESENTATION ACT**

FOUR MAORI SEATS IN PARLIAMENT ESTABLISHED. A RESPONSE TO PAKEHA FEAR THAT MAORI WHO BY NOW HAD A MAJORITY [IN A NUMBER OF ELECTORATES] UNDER THE PROPERTY QUALIFICATION CLAUSE OF THE 1852 CONSTITUTION ACT MEANT MAORI COULD GAIN A MAJORITY IN GOVERNMENT

**1867**

**THE NATIVE SCHOOLS ACT**

SCHOOLS WOULD ASSIST IN THE ASSIMILATION OF MAORI INTO PAKEHA SOCIETY, LAND WAS DONATED BY MAORI, INFRASTRUCTURE WAS PAID FOR AND ESTABLISHED BY MAORI, TO TEACH ENGLISH, TAKEN OVER BY DEPARTMENT OF EDUCATION IN 1879 A DUEL SCHOOL SYSTEM (166 MAORI SCHOOLS) BECAME A 1 SCHOOL SYSTEM IN 1969. MAORI LANGUAGE WAS BANNED IN ALL SCHOOLS.

**1869**

**A NEW MAORI VERSION OF THE TREATY WAS REQUESTED BY THE GOVERNMENT – “KAWANATANGA” [SOVEREIGNTY] IN ARTICLE 1 IS REPLACED BY “NGA MANA KATOA O TE RANGATIRATANGA”. NATIVES REFERRED TO KAWANATANGA AS GOVERNERSHIP THE NEW MAORI VERSION OF THE TREATY TO INCLUDE “MANA” WOULD CHANGE THE TREATY KAUPAPA FROM “GOVERNERSHIP” AS UNDERSTOOD BY MAORI TO SOVEREIGNTY AS REQUIRED BY THE CROWN**

**1877**

THE TREATY IS DECLARED A NULLITY BY JUDGE PRENDERGAST IN BISHOP OF WELLINGTON VS. WI PARATA. LEGISLATION WAS INTRODUCED TO ALLOW DIRECT PURCHASE OF MAORI LAND IN BREACH OF ARTICLE 2 OF THE TREATY

**1879**

**PEACE PRESERVATION BILL**

ONE YEAR’S HARD LABOUR FOR MAORI PEOPLE WHO REFUSED TO LEAVE THEIR ABODES/LAND THAT THE CROWN CLAIMED TO OWN

**1880**

**MAORI PRISONERS ACT**

200 MAORI ARRESTED IN TARANAKI FOR PREVENTING THE SURVEYING OF CONFISCATED LAND, THEY WERE KEPT IN PRISON FOR AN INDEFINITE TIME WITHOUT TRIAL

**1880 WEST COAST SETTLEMENT ACT**

ANY MAORI IN TARANAKI COULD BE ARRESTED WITHOUT A WARRANT AND JAILED FOR TWO YEARS WITH HARD LABOUR IF THEY BUILT ANYTHING OR IN ANY WAY HINDERED THE SURVEYING OF PROPERTY

**1881**

**NATIVE RESERVES ACT**

THE CONTROL OF MAORI RESERVES IS TAKEN OVER BY THE PUBLIC TRUSTEE. 2500 TROOPS INVADE PARIHAKA AND TE WHITI, THE PROPHET IS ARRESTED.



1886

**NATIVE LANDS ADMINISTRATION ACT**

REJECTED THE TRADITIONAL RIGHT OF COMMUNAL OWNERSHIP. MAORI LAND WAS GIVEN OVER TO SMALL GROUPS OF "TRUSTEES" WHO HAD THE RIGHT UNDER THIS ACT TO SELL IT. TE WHITI WAS RE-ARRESTED WITHOUT WARRANT, CHARGE OR TRIAL AND JAILED FOR 3 MONTHS

1886

**NATIVE LAND COURT ACT**

FACILITATED THE LARGE-SCALE DIRECT PURCHASE OF MAORI LAND; IT IDENTIFIED AND SURVEYED, NEGOTIATED AND SETTLED MAORI LAND INTO INDEPENDENT OWNERSHIP WHICH ENABLED SUCH OWNERS TO CONVERT THE NATIVE LAND INTO PAKEHA TITLE WITH LITTLE REPRESENTATION OF THE ACTUAL OWNERS, THE TRIBE.

1891

**MAORI LAND STOOD AT 11,079,486 ACRES**

1892

**THE NATIVE DEPARTMENT WAS ABOLISHED**

1893

**NATIVE LAND PURCHASE AND ACQUISITION ACT**

DESIGNED TO SPEED UP THE PURCHASE OF MAORI LAND

1894

**ADVANCES TO SETTLERS ACT**

LOW INTEREST LOANS MADE AVAILABLE TO WHITE SETTLERS TO BUY LAND FROM THE CROWN.

1894

**VALIDATION OF INVALID LAND SALES**

ANY "UNSOUND" [PAKEHA] DEALINGS CONCERNING MAORI LAND WERE LEGITIMISED

1894

**MAORI LAND SETTLEMENT ACT**

MAORI LAND WAS PUT UNDER THE CONTROL OF LAND COUNCILS. THERE WAS NO MAORI REPRESENTATION ON THESE COUNCILS.

1897

92 MAORI IN TARANAKI WERE ARRESTED FOR PLOUGHING LAND IN PROTEST OF PUBLIC TRUSTEE CONTROL OF THEIR LANDS

1900

**MAORI LANDS ADMINISTRATION ACT**

PROMOTING TINO RANGATIRATANGA THE ACT CREATED 6 DISTRICTS IN THE NORTH ISLAND AND 6 COUNCILS WITH MAORI REPRESENTATIVES FROM EACH DISTRICT NOMINATED BY TANGATA WHENUA

1903

AN ACT REAFFIRMING JUDGE PRENDERGAST'S 1877 RULING THAT THE TREATY IS A "NULLITY". SECTION 84 - THIS SECTION OF THE ACT EXTINGUISHED CUSTOMARY TITLE AND INTRODUCED MAORI FREEHOLD LAND, FURTHER CONTROL AND ALIENATION OF NATIVE LAND AND THE CREATION OF THE NATIVE LAND DEPARTMENT

1905

THE ABOLITION OF NATIVE COUNCILS

**THEY SLOWED DOWN THE GOVERNMENT'S LAND PURCHASES**

1905-1908

THERE WERE AMENDMENTS TO THE NATIVE LANDS ACT WHICH FORCED FURTHER SALES OF MAORI LAND

1907-1909

STOUT-NGATA ROYAL COMMISSION ON NATIVES LANDS AND NATIVE LAND TENURE WERE INSTRUMENTAL IN MAORI LAND BOARD CONTROL OF NATIVE LAND

IN 6 DISTRICTS (NORTH ISLAND) AND WITH 6 COUNCILS, THE MAJORITY MAORI PRESENCE REPRESENTING TANGATA WHENUA. THESE BOARDS BECAME LOGISTICALLY RESTRICTIVE

**IN 1905 LEGISLATION WAS INTRODUCED TO ELIMINATE THE MAORI COUNCILS AND APPOINT 3 GOVT TRUSTEES, 1 MAORI.**

**1908**

***TOHUNGA SUPPRESSION ACT***

PENALTIES WERE IMPOSED ON TOHUNGA (MAORI EXPERTS IN THEIR FIELD — PRIESTS, HEALERS, NAVIGATORS, CARVERS, BUILDERS, TEACHERS, SPIRITUALITY AND ADVISORS)

**1909**

***NATIVE LAND ACT***

MAORI COULD NO LONGER USE THE WHANGAI SYSTEM FOR ADOPTING CHILDREN. THIS WAS INTRODUCED TO PREVENT THE ADOPTION BY MAORI OF PAKEHA CHILDREN. IT SORTED THE CONTROL AND FURTHER ALIENATION OF LAND

**1909**

***NATIVE LAND DEPARTMENT***

***FIND NOTES***

**1911**

**MAORI LAND NOW AMOUNTED TO 7,137,25 ACRES**

**1913**

THE MAORI COUNCILS HAD REDUCED TO A BOARD CONSISTING OF TWO MEMBERS OF THE NATIVE LAND COURT

**1914-1918**

***MAORI WAR EFFORT***

TO A LIMITED DEGREE DURING WORLD WAR I, THE USUAL RULES BY WHICH NEW ZEALAND HAS BEEN MANAGED HAVE BEEN SUSPENDED. THE CONSISTENT POLITICAL AND ADMINISTRATIVE PRESSURE AGAINST TRIBE AND TRADITIONAL

RELATIONSHIPS WERE RELAXED SO THAT THE STRENGTHS OF TRIBALISM COULD BE RELEASED TO SERVE THE WAR EFFORT. THEY FOUGHT WITH DISTINCTION FOR THE SYSTEM WHICH HAD DEPRIVED THEM, OVERNIGHT THE MAORI BECAME AN ASSET IN THE PAKEHA MIND RATHER THAN JUST AN IMPEDIMENT TO DEVELOPMENT

**1918**

MAORI SERVICEMEN WHO RETURNED FROM WWI WERE NOT ELIGIBLE FOR BENEFITS OF THE REHABILITATION SCHEME. THE SCHEME WAS ONLY AVAILABLE TO PAKEHA SERVICEMEN. MAORI POPULATION WAS DEVASTATED WHEN MAORI SERVICEMEN WERE ALLOWED TO GO BACK TO THEIR WHANAU WITH "SPANISH FLU"

**1920**

**MAORI LAND REDUCED TO 4,787,686 ACRES**

**1923**

WIREMU TAHOPOTIKI RATANA WAS SNUBBED WHEN HE TOOK TREATY GRIEVANCES TO KING GEORGE

**1931**

***MAORI LAND ACT***

**1932**

RATANA PRESENTS PETITION WITH 30,000 SIGNATURES CALLING FOR RATIFICATION OF THE TREATY. IT WAS IGNORED. MAORI RECEIVED HALF THE UNEMPLOYMENT BENEFIT GIVEN TO THE PAKEHA

**1939**

**MAORI LAND REDUCED TO 4,028,903 ACRES**

**1939-1945**

**MAORI WAR EFFORT – LT. COL. HEMPHILL’S REPORT**

“IN ORDER TO FOSTER AND RESTORE TO THE MAORI PEOPLE THE ANCIENT CHARACTERISTIC OF TRIBAL LEADERSHIP NOW SO VITALLY ESSENTIAL TO THE SUCCESSFUL PROSECUTION OF THE MAORI WAR EFFORT, I RESPECTFULLY URGE THAT REPRESENTATIONS BE MADE... TO GIVE IMMEDIATE RECOGNITION TO THE PRINCIPLE OF TRIBAL LEADERSHIP (CONSISTENT WITH MILITARY EFFICIENCY) THROUGHOUT THE FIGHTING SERVICE”

**1945**

THE MAORI WAR EFFORT ORGANISATION CONSTITUTED TRIBAL COMMITTEES WHICH COVERED THE WHOLE OF NEW ZEALAND AND WHOSE POWERS DURING THE WAR PERIOD EXTENDED TO EDUCATION, WELFARE, HOUSING, EMPLOYMENT, TRAINING, LAND USE AND DEVELOPMENT AND MANY OTHER ISSUES OF CONCERN TO MAORI SOCIETY. THE MAORI SOCIAL AND ECONOMIC RECONSTRUCTION BILL WAS FORMED BASED ON THE TRIBAL COMMITTEES BUT BY THE TIME IT WAS PASSED INTO LAW ITS CENTRAL MAORI ASPIRATIONS WERE REMOVED

**1952**

**MAORI LAND AMENDMENT ACT**

ABOLISHED THE MAORI LAND BOARDS UNDER THE ORIGINAL ACT **MAORI LAND ACT 1931** AND TRANSFERRED ALL POWERS TO THE [GOVERNMENT APPOINTED] MAORI TRUSTEE

**1953**

**MAORI AFFAIRS ACT**

THE ACT FORCED UNPRODUCTIVE MAORI LAND INTO USE. ANYONE COULD APPLY TO HAVE WASTELAND VESTED IN [GOVERNMENT APPOINTED] TRUSTEES. IF A MAORI DIED WITHOUT A WILL, THE COURT WOULD DECIDE WHO WOULD BE HIS DESCENDANTS WHEN IT CAME TO MAORI LAND, BASED ON EVIDENCE PUT FORWARD BY ANY “APPLICANT”

**THIS ACT SUPPORTED THE ALIENATION OF MAORI LAND AND REMAINED THE GOVERNING LEGISLATION FOR MAORI LAND FOR 40 YEARS**

**1953**

**TOWN AND COUNTRY PLANNING ACT**

PREVENTED MAORI FROM BUILDING ON THEIR LAND. THIS FORCED MANY MAORI TO MOVE FROM RURAL AREAS TO THE CITIES

**1960**

**THE HUNN REPORT**

JACK HUNN CIVIL SERVANT, A STEPPING UP OF THE ASSIMILATION PROCESS

## Appendix 3: Resource Management Act 1991 Sections 5-8 – The Purpose of this Act:

### Part 2 - Purpose and principles

#### 5 Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
  - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

#### 6 Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;
- (f) the protection of historic heritage from inappropriate subdivision, use, and development;
- (g) the protection of protected customary rights;
- (h) the management of significant risks from natural hazards.

#### 7 Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga;
- (aa) the ethic of stewardship
- (b) the efficient use and development of natural and physical resources
- (ba) the efficiency of the end use of energy
- (c) the maintenance and enhancement of amenity values
- (d) intrinsic values of ecosystems;
- (e) repealed
- (f) maintenance and enhancement of the quality of the environment
- (g) any finite characteristics of natural and physical resources
- (h) the protection of the habitats of trout and salmon
- (i) the effects of climate change
- (j) the benefits to be derived from the use and development of renewable energy.

#### 8 The Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Appendix 4: Review WMNZ/GO Hui 22.1.20

Te Rununga o Ngati Whatua – Dome Valley Landfill Meeting – Tuesday 28 January 2020 10am

The first presentation was by various representatives from Waste Management Limited. They presented:

- Their history dating back to the 1834? They were quick to point out that their company had been owned by many foreign companies, the last being America who sold to China.
- Their submissions were for NZ population to reduce their waste to zero waste, currently the statistics are 1 tonne/per person/per year. In 2033 Auckland population will be circa 2 million. The Target is to reduce waste to zero by 2033.

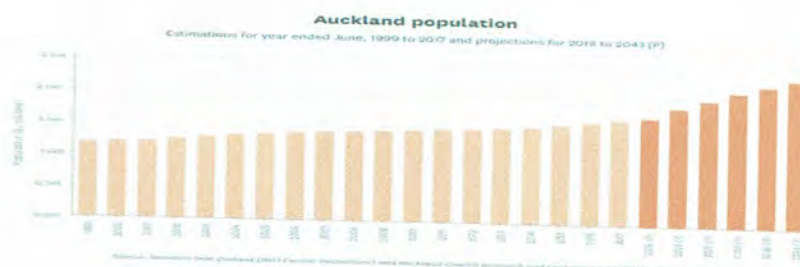


Figure 1 - Source Auckland Council Growth Monitor Report 2017

- The landfill will take waste for 35 years. The question was raised when the landfill is “full” where do you go then, another valley? Another landfill?
- The life expectancy of the proposed Lined landfill is 700 years all biomatter would have decomposed by then. The question was raised that plastics will last 700 years – there was no response. We also note that the contents of any waste whether commercial and/or residential would contain materials like batteries, fluids, oil cans and other combustible material, covering it with soil will not deter the real possibility of a self-combusting fire.



A video showing the scale of the blaze at a landfill site in Portland near Whangārei.

A video captured by Auckland resident Josh Russell captures the scale of a fire on Saturday.

- WM gave a detailed description of the construct of the proposed Lined Landfill:

- Excavation – clear felling all trees and vegetation
  - Testing soil quality and if the clay content is insufficient for its purposes the addition of clay to engineering standards
  - A Geosynthetic Clay Liner
  - A plastic membrane
  - A Geotextile Protection Layer made out of plastic?
  - A leachate drainage blanket
  - Pipes at the bottom to drain away leachate?
  - Soft waste 2-3 metres
  - Daily covered in soil
- Stormwater management was discussed and WM took us through the Filtration System through ponding which landworks would be done as pre-construction; Groundwater – 10% of rainwater contributes to groundwater; and in particular they discussed the evaporation of leachate. **It was pointed out that their statistics were questionable, everything was a guesstimate or “around about” for such a large issue they should be required to provide exact research and details.**
  - Sediment – they deferred this issue by advising that 700,000 tonne of silt goes into the harbour 70% coming from Hikurangi Swamplands. The Landfill proposal will contribute only 29,480 tonnes per year and with turbidity controls every 30 seconds? **Tinopai RMU are of the opinion, because of the state of the Kaipara Harbour and/or the Kaipara Moana tikanga dictates that their “YEARLY SEDIMENTATION” be zero. Is this sediment tonnage the proposed soil cover, where does this statistic come from?**
  - We then moved to questions and answers which we have not commented on. There was a direct request from Alan anors to meet the Chinese representative. No go.

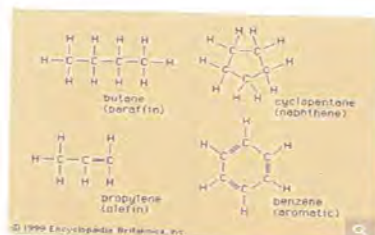
A brief presentation was made by the Global Olivine Group of companies:

- They had a movie but ran out of time to play it. **Do we have access to that movie?**
- Their technology was a combustion based technology :
  - Burning waste = Gases + Ash
  - Biomass waste 70-80% of the waste was renewable energy
  - Hydrocarbon organics/plastics 30%

#### Hydrocarbon CHEMICAL COMPOUND

ARTICLE

**Hydrocarbon**, any of a class of organic chemical compounds composed only of the elements carbon (C) and hydrogen (H). The carbon atoms join together to form the framework of the compound, and the hydrogen atoms attach to them in many different configurations. Hydrocarbons are the principal constituents of petroleum and natural gas. They serve as fuels and lubricants as well as raw materials for the production of plastics, fibres, rubbers, solvents, explosives, and industrial chemicals.



- Fossil fuelled products never breaks down
- Energy produced by the Combustion Technology produces 200mw of electricity a day
- They presented vitrification technology which rids contaminated soils and contaminated waste and provides 22 byproducts

*Google – "Vitrification is a proven and reliable technology used at U.S. and foreign defense waste processing facilities. The process converts liquid radioactive and chemical waste into a solid, stable glass, eliminating environmental risks."*

- Byproducts include:
  - Ash aggregate processed into products
  - Residue fly ash if filtered through bag houses, captured then put through the vitrification method and melted into glass
  - 123,000 tonnes of fresh water daily
  - Concrete
  - Ashvelt,

Effectively 22 industries in synergy, an holistic approach to waste management.

- These technologies turn waste into By-products and fuels a power station.
- GO holistic approach includes:
  - Taking into consideration what is best for future generations;
  - Assists communities in its endeavours for zero waste;
  - Creates businesses and possible exports
  - Waste is not waste per se - Waste is a valuable resource
- One harmful by-product is CO<sup>2</sup> which will be mitigated through the carbon credit system. *TRMU do not agree with mitigation because CO<sup>2</sup> will still be released into the atmosphere and all the money in the world would not stop global warming.*
- GO hope to achieve a 0% waste and also indicated that individuals needed to change from fossil based products to biomass products (100% energy).
- GO submitted they could have a fully functioning Power Station at 100% capacity in 4-5 years;
- GO indicated that they attempted to install the system in the past but was shut down industry magnates. They indicated to WM that should their system be accepted as an alternative they still required WM to "assist" with collection and delivery. *The potential for a "Joint Venture" should be considered.*

Our overall view is that WM need to evolve and/or morph into a company that can provide a more environmentally friendly attitude towards its overall proposal. They seemed fossilised compared to GO who TRMU identify as being more in line with kaitiakitanga, our culture and values. We believe this was the overall consensus by all kaitiaki at the hui.

Nga mihi

Mina Henare/Mikaera Miru

Kaitiaki

Tinopai Resource Management Unit – tinopairmu.co.nz

# TREATY OF WAITANGI

## A TRANSLATION OF THE MAORI TEXT

*Signed at Waitangi, February 1840, and afterwards by over 500 Rangatira.*

Victoria, the Queen of England, in her gracious thoughtfulness to the Rangatira and Hapu of New Zealand, and in her desire to preserve to them their authority and their land, so that peace and quietness may be kept with them, has thought it right to send a chief (an officer) as one who will negotiate with the Maori people of New Zealand. Let the Maori Rangatira accept the Governorship (Kawanatanga) of the Queen over all parts of this country and the islands. This is because a great number of the people of her tribe have settled in this country, and more will come.

Now, the Queen desires to arrange the Governorship lest evils should come to the Maori people and to the Pakeha who are living here without any law.

Now, the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy to be Governor for all places of New Zealand which are now granted or which shall be granted to the Queen. And she says to the Rangatira of the Confederation of the Hapu of New Zealand and the other Rangatira, these are the laws spoken of.

### THIS IS THE FIRST

The Rangatira of the Confederation, and all those Rangatira who have not joined the Confederation grant to the Queen of England forever Governorship (Kawanatanga - the duty to control Pakeha and later settlers living on hapu lands).

### THIS IS THE SECOND

The Queen of England acknowledges and agrees to the absolute authority (Tino Rangatiratanga) of the Rangatira, Hapu and all the people of New Zealand over their lands, their villages and everything that is held precious. But the Rangatira give to the Queen the right to purchase those pieces of land that the owner is willing to sell, subject to the arranging of payment, which will be agreed to by them and the purchaser who will be appointed by the Queen for the purpose of buying for her.

### THIS IS THE THIRD

This is the arrangement for the consent to the Governorship of the Queen. The Queen will protect all the Maori people of New Zealand, and give them all the same rights as those of her subjects, the people of England.

### THIS IS THE FOURTH

*At the meeting before any of the Rangatira had signed the Treaty, Hobson agreed under questioning from the Catholic Bishop Pompallier to read the following statement, which was a record of discussion on religious freedom and customary law, which Bishop Pompallier had had with the Anglican Missionary William Colenso.*

The Governor says that the several faiths of England, of the Wesleyans, of Rome, and also Maori custom and religion shall alike be protected by him.

Now we, the Rangatira of the Confederation of the Hapu of New Zealand, here assembled at Waitangi, and we, the Rangatira of New Zealand, see the meaning of these words and accept them, and we agree to all of them. Here we put our names and our marks.

This was done at Waitangi on the 6th day of February in the year of our Lord 1840.





## AUCKLAND COUNCIL REGIONAL POLICY STATEMENT – B6.2.2 POLICIES

*“(1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following:*

- (a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga;*
- (b) builds and maintains partnerships and relationships with iwi authorities;*
- (c) provides for timely, effective and meaningful engagement with Mana Whenua at appropriate stages in the resource management process, including development of resource management policies and plans;*
- (d) recognises the role of kaumātua and pūkenga;*
- (e) recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga;*
- (f) acknowledges historical circumstances and impacts on resource needs;*
- (g) recognises and provides for mātauranga and tikanga; and*
- (h) recognises the role and rights of whānau and hapū to speak and act on matters that affect them. “*

### OVERSEAS INVESTMENT ACT 2005

There is also an obligation on Waste Management NZ Limited who is owned by Beijing Corporation, China, and subject to the Overseas Investment act 2005, pursuant to

- i. Section 17(2)(c)(i) to protect or enhance existing areas of significant habitats... wildlife protected under section 3 of the Wildlife Act 1953
  - “Subject to the provisions of [the Wildlife Act], all wildlife is hereby declared to be subject to this Act... to be absolutely protected throughout New Zealand and New Zealand fisheries waters.”; and
- ii. “Section 17(2)(d)(i) to protect or enhancing historic heritage within the relevant land including conditions for conservation (including maintenance and restoration)...”.
- iii. The definition of Historic Heritage “means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:
  - (i) archaeological:
  - (ii) architectural:
  - (iii) cultural:
  - (iv) historical
  - (v) scientific:
  - (vi) technological; and

(b) includes—

- (i) historic sites, structures, places, and areas; and
- (ii) archaeological sites; and
- (iii) sites of significance to Maori, including wahi tapu; and
- (iv) surroundings associated with the natural and physical resources

#### *THE NEW ZEALAND COASTAL POLICY STATEMENT*

NZ Coastal Policy Statement provisions of particular relevance to the Application include:

- (a) To account for Te Tiriti o Waitangi principles and to recognise the role of mana whenua as kaitiaki and provide for mana whenua involvement in management of the coastal environment by: (i) Recognising the customary relationship between mana whenua and their rohe; (ii) Promoting meaningful relationships between mana whenua and decisionmakers; (iii) Incorporating mātauranga Māori into sustainable management practices and recognising; and (iv) Recognising and protecting characteristics of the coastal environment that are of special value to Mana Whenua;
- (b) To recognise that tangata whenua have a traditional and continuing relationship with areas of the coastal environment, including places where they have lived and fished for generations; (c) To provide opportunities for Mana Whenua to be involved in decision-making where appropriate; (d) To provide opportunities for Mana Whenua to exercise kaitiakitanga over waters, lands and fisheries through measures such as cultural monitoring and maintenance and protective management methods for the protection of taonga; (e) To work in collaboration with Mana Whenua in accordance with tikanga (as far as practicable) to identify sites of significance and special value...

#### *NATIONAL POLICY FOR FRESH WATER*

National significance of fresh water and Te Mana o te Wai - The matter of national significance to which this national policy statement applies is the management of fresh water through a framework that considers and recognises Te Mana o te Wai as an integral part of freshwater management. The health and well-being of our freshwater bodies is vital for the health and well-being of our land, our resources (including fisheries, flora and fauna) and our communities. Te Mana o te Wai is the integrated and holistic well-being of a freshwater body. Upholding Te Mana o te Wai acknowledges and protects the mauri of the water. This requires that in using water you must also provide for Te Hauora o te Taiao (the health of the environment), Te Hauora o te Wai (the health of the waterbody) and Te Hauora o te Tangata (the health of the people). Te Mana o te Wai incorporates the values of tangata whenua and the wider community in relation to each water body. The engagement promoted by Te Mana o te Wai will help the community, including tangata whenua, and regional councils develop tailored responses to freshwater management that work within their region. By recognising Te Mana o te Wai as an integral part of the freshwater management framework it is intended that the health and well-being of freshwater bodies is at the forefront of all discussions and decisions about fresh water, including the identification of freshwater values and objectives, setting limits and the development of policies and rules. This is intended to ensure that water is available for the use and enjoyment of all New Zealanders, including tangata whenua, now and for future generations.

#### *MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011*

Section 4 – Purpose and Acknowledgements

The purpose of this Act is to—

- (a) establish a durable scheme to ensure the protection of the legitimate interests of all New Zealanders in the marine and coastal area of New Zealand; and
- (b) recognise the mana tuku iho exercised in the marine and coastal area by iwi, hapū, and whānau as tangata whenua; and
- (c) provide for the exercise of customary interests in the common marine and coastal area; and

- (d) acknowledge the Treaty of Waitangi (te Tiriti o Waitangi).
- (2) To that end, this Act—
- (a) repeals the Foreshore and Seabed Act 2004 and restores customary interests extinguished by that Act; and
  - (b) contributes to the continuing exercise of mana tuku iho in the marine and coastal area; and
  - (c) gives legal expression to customary interests; and
  - (d) recognises and protects the exercise of existing lawful rights and uses in the marine and coastal area; and
  - (e) recognises, through the protection of public rights of access, navigation, and fishing, the importance of the common marine and coastal area—
    - (i) for its intrinsic worth; and
    - (ii) for the benefit, use, and enjoyment of the public of New Zealand.

### AUCKLAND COUNCIL WEBSITE

#### Mana whenua and the environment

Mana whenua have a special cultural and spiritual relationship with the environment, which is a matter of national importance under the Resource Management Act.

This includes their relationship with their:

- waahi tapu (sacred sites)
- taonga (treasures)
- water
- ancestral lands.

Resource consent applicants and the council must consider these matters of national importance.

#### When you should consult mana whenua organisations

Resource consent applicants are expected to consult with iwi authorities when developments affect mana whenua values.

The best way to identify these values and take these into account is through consultation with the relevant iwi authorities.

Mana whenua values may be affected by developments subject to or involving:

- landscape overlays
- maunga (volcanic) viewshafts
- ancestral land
- significant ecological areas
- coastal marine area
- discharges to, or may enter, the sea, rivers, streams, lakes, wetlands, aquifers and air
- sites and places of significance to mana whenua
- historic heritage overlay sites of Māori interest and significance
- statutory acknowledgements
- treaty settlement land (PDF 299KB)
- Māori land.

### Cultural Values Assessment (CVA)

As part of the consent application process, new developments may need to provide a [Cultural Values Assessments \(CVA\)](#), prepared by mana whenua or their nominee.

Not all resource consent applications will require a CVA. This needs to be decided by the relevant iwi authority.

After consideration, mana whenua may formally advise that a CVA is not needed.

### AUCKLAND COUNCIL LOW CARBON STRATEGIC ACTION PLAN 2014

Auckland Council Low Carbon Strategic Action Plan Auckland Council released their Low Carbon Strategic Action Plan (Action Plan) in July 2014, which sets out a 30 year pathway for achieving an 'eco-economy'. It includes a 10 year plan for working towards this goal. The Action Plan identifies key focus areas: travel, energy use and generation, built environment and green infrastructure, zero waste, forestry, agriculture and natural carbon assets. **One stated action for the next 10 years is to issue no new landfill consents in Auckland** unless there are no alternatives, as part of the drive towards zero waste.

### THE NEW ZEALAND WASTE STRATEGY

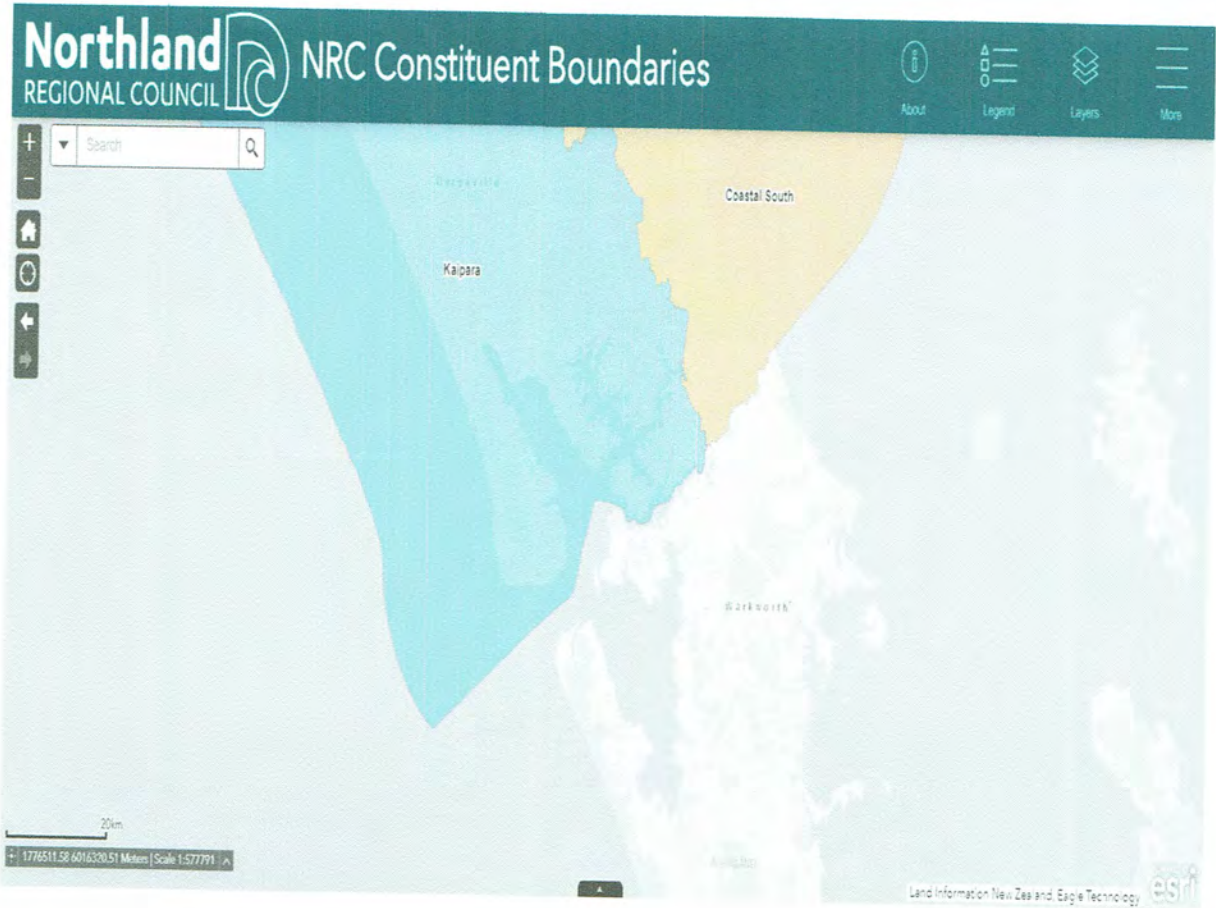
The revised New Zealand Waste Strategy, published in 2010, sets out the Government's long term priorities for waste management and minimisation. The Strategy's two goals provide direction to local government, businesses (including the waste industry), and communities on where to focus their efforts in order to deliver environmental, social and economic benefits to all New Zealanders. The goals are: • Reducing the harmful effects of waste; and • Improving the efficiency of resource use.

### AUCKLAND WASTE MANAGEMENT AND MINIMISATION PLAN

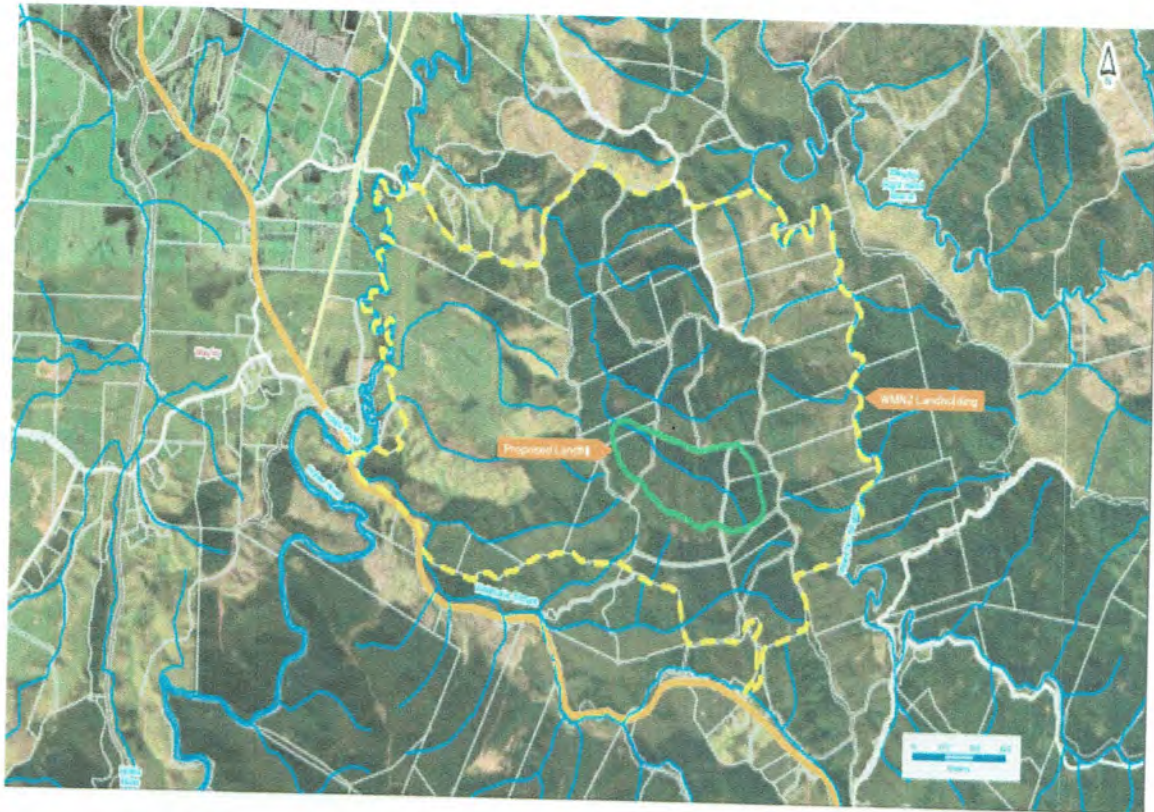
Auckland Council published a new Auckland-wide WMMP in 2018. It confirms and continues the vision of achieving zero waste as set out in the first plan which was released in 2012. **One of the guiding principles identified under Māori priorities in the WMMP is protection of Papatūānuku, the land, including a stated objective of no new landfills.**

**OTHER SUPPORTING LEGISLATION – THIS APPLICATION DOES NOT MEET ANY OF THE OTHER SUPPORTING LEGISLATION AND IT MUST BE DECLINED**

Appendix 6 NRC Constituent Boundaries – A line through the Middle of Kaipara



# Rivers



This map is from Auckland Council's GeoMaps. This dataset was created by Auckland Council to provide a linkage or reference to rivers for processing regional resource consents. Features in the map come from Land Information New Zealand.

## Legend

- River
- Railway
- Roads (25,000) CLASSIFICATION
- Motorway
- Major Road
- Arterial Road
- Medium Road
- Minor Road

## Appendix 8: TRMU Schedule of Works

SCHEDULE OF WORK IN PROGRESS

As at 4 December 2018

Job List	Project	Parties	Timelines	Outcome
Tinopai Campgrounds Wastewater & Effluent Field	Surface Water, Drainage and Kerbing	KDC; Frosty; McCrackens	<p>26.10.18 EMT Roads Capital Works Team chase drainage and kerbs. EMT Hamish requesting copy of Alarms for Sept/Oct.</p> <p>29.10.2018 EMF Hamish Alarm Report Sept/Oct – on inspection day it was OK. 29.10.18 EMF Road Capital Works Team received email; 1.11.18 EMF S Sharma wanting to meet; 1.11.18 LT RCWT and Roading cc S Sharma – requesting covered drainage and kerbing; 16.11.18 met with S Sharma and H Watson to discuss the surface water within 15 metres of the effluent field making the Wastewater and Effluent Field System non-compliant.</p>	Waiting KDC – dates for drainage maintenance to reform drains adjacent to Effluent Field
[REDACTED]	Consent Notice No. RM070277 the [REDACTED] Culvert causing flooding of Ngatoto Road	KDC	<p>30.10.2018 Took photos of Ngatoto Road and [REDACTED] culvert where wetland crosses over. Met with [REDACTED] because he and [REDACTED] have said the culvert has flooded again and all of the new metal was washed across the road and blocked the [REDACTED] culvert causing flooding. [REDACTED] instructed TRMU to send another letter [see records below] Driveway – Completed Files]. 1.11.18 EMT KDC requesting either (i) move the [REDACTED] Culvert back to its original position which will prevent flooding; or (ii) place another culvert further North up the hill to divert that water away from the [REDACTED] Culvert. Mikaera also mentioned that the drainage at the Southern end of Ngatoto Road was not working because there has been no maintenance done on it since it was reformed [due to flooding]. Mina to write a letter reflecting the site minutes (see file).</p> <p>1.11.18 Service Request lodged via email; 16.11.18 met with S Sharma to discuss [REDACTED] culvert; 23.11.18 waiting on S Sharma to put together costings for culvert to divert water from [REDACTED] driveway.</p>	Waiting KDC Roads Capital Works Team for costings and dates for culvert works
Lot 1 Area K Te Kaokao Wetlands – Breach of Covenant	<p>21.2.18 Dogs and children witnessed playing in wetland</p> <p>4.7.18 new complaint, erosion at beach end of Area K</p> <p>22.8.18 Save Te Kaokao Wetland</p>	KDC (G Lewis)	<p>21.2.18 LT KDC advising dogs and children have been witnessed in the Wetland and requesting a new complaint be lodged; 21.2.18 EMF KDC confirming they will meet with [REDACTED]; 28.5.18 EMT KDC chasing up complaint EMF KDC advising they have not investigated; 28.5.18 EMT KDC requesting complaint be investigated; 2.7.18 Discussions with neighbours who have said that some of the cleared wetland has been planted. 4.7.18 Inspection from beach erosion of wetland</p>	3.10.18 Chase NRC for ecological assessment



Job List	Project	Parties	Timelines	Outcome
Resource Consent Applications	Have not received RCA since March 2017	NRC	<p>increased tenfold. 4.7.18 LT KDC and NRC re erosion and solutions. 5.7.18 EMT KDC and NRC enclosing Wetland Report; 23.7.18 EMT KDC and NRC requesting meeting to save the beach end of the wetland; 24.7.18 EMF NRC advising enforcement officer will be attending on site 30 July. EMF KDC confirming meeting, EMF DOC and Pete Graham confirming meeting; 10.8.18 Met with DOC, NRC, KDC, Auckland University and set down a plan to save the wetlands – see Site Report. 22.8.18 LT both NRC and KDC report on state of Te Kaokao Wetlands. Waiting for urgent ecological assessment.</p> <p>4.6.18 EMT NRC asking why we have not received any Resource Consent applications in 1.5 years given that 2 new buildings have been erected in the past months; 5.6.18 EMF NRC complaint been sent to relevant department; 5.6.18 EMF NRC requesting further details; 15.6.18 provided legal description to NRC for new Volunteer Emergency Services building at campground and new buildings at Puapua Creek; Puapua Creek Buildings – have no building consent; Resource Consent for septic and water tanks only; New VES Building RM160143 Breaches NRC Regional Plan consent received from TUOH. 10.7.18 EMT KDC advising their response was unsatisfactory and requested copies of files pursuant to OIA. 13.8.18 NRC Meeting it has been discovered in the Serjeant file that the Resource Consent process and communication between NRC and KDC have failed to the point where Resource Consents are being left up to the people to contact NRC – the last 3 buildings (including Serjeant) have no Resource Consent. 22.8.18 LT KDC – mayor wants to meet with us regarding the report. Mikaera met with Mayor 29 August and discussed roading issues; 4.12.18 OIA documents reveal that TUOH did not give consent for new VES Building – KDC files reveal that TUOH are “not interested in this kind of development” and no Resource Consent was sent to NRC. TRMU are to make another meeting with KDC to discuss Resource Consent process.</p> <p>11.10.17 LT KDC re unpermitted works; 12.10.17 EMF KDC requesting further information on site; 15.10.17 EMT KDC advising address; 18.10.17 EMF KDC they investigating; 25.10.17 EMF KDC advising permit applied for, inspection to be completed and reported on; 29.11.17 EMT KDC chase building inspection; 26.5.18 EMT KDC chase building inspection; 28.5.18 EMT KDC chase building inspection; 1.6.18</p>	12.9.18 chase meeting date with KDC
Unknown	Buildings on Puapua Creek have drainage directly into Kaipara Harbour	KDC		22.8.18 Chase NRC and KDC  22.8.18 Waiting OIA documents from KDC and NRC

Job List	Project	Parties	Timelines	Outcome
			<p>EMF KDC report on buildings they did not apply for Resource Consent – KDC intend to issue a Certificate of Acceptance; 4.6.18 TRMU objected to the issue of the Certificate; 5.6.18 KDC said too late; 15.6.18 TRMU objected to issue of a Certificate of Acceptance and requested KDC to notify NRC 22.6.18 KDC have not changed their tune status quo stands; 10.7.18 EMT KDC advising their response was unsatisfactory and requesting a copy of the Subdivision and Resource Consent Application files. 3.8.17 EMT NRC requesting Subdivision and Resource Consent Application files.</p>	
Staff Complaint	Complaint to NRC about Staff Culture and Racism	NRC	<p>1.12.17 Initial complaint about [redacted] and her decisions regarding aerial spraying; 17.1.18 LF NRC advising [redacted] acted accordingly; 29.3.18 LT NRC staff complaint about [redacted] and [redacted]; 20.4.18 LF NRC inviting TRMU to meeting; 4.5.18 EMT NRC requesting meeting in June, that Councillor Smart be invited, sending Catchment Plan and requesting a response to our complaints on the Staff; 28.5.18 – EMT NRC advising Mikaera unavailable until July; 30.5.18 – Confirmation of meeting 23 July 3pm – 5pm; 22.6.18 Mikaera’s treatment extended to 24 July, requested new meeting date to Monday 30 July 2pm – 5pm; 4.7.18 – Meeting now confirmed as Monday 13 August 2018, 1pm – 3pm. Meeting NRC to send letter of support for funding, investigate other issues.</p>	NRC to report back to TRMU
Northpower – extension of electricity	Ngatoto Road	KDC NRC Northpower (Les Martin)	<p>18.10.17 EMF Northpower wanting to meet for new extension of electricity; 30.11.17 Meet with Northpower, walk through site, agreement confirmed; 16.4.18 EMF Northpower confirming power poles being erected this week; 17.4.18 EMT Northpower requesting copy of final plans; 23.5.18 EMF Northpower confirming project completed and enclosing final plans; 25.5.18 EMT Northpower confirming we are happy with the removal of the powerpoles along the beach; 4.6.18 EMT Northpower community feedback was positive; 19.7.18 EMF Northpower advising that rocks holding poles up were spewing onto the beach and had to be removed, this caused erosion and modifying of the beach from heavy machinery and created a mud bog; 23.7.18 EMF Northpower works completed; Pole positions map on file. File completed</p>	File at an end.

Job List	Project	Parties	Timelines	Outcome
<p>Kaipara District Council - Renewal discharge of wastewater</p>	<p>Tinopai Campgrounds</p>	<p>KDC (Hamish Watson); NRC (Jessica Crawford) Richardson Stevens (David Lesley)</p>	<p>4.5.17 request to KDC for information on wastewater system; 15.5.17 EMF NRC application is on hold waiting for a soil soakage report by Richardson Stevens Consultants; 11.8.17 EMF NRC enclosing Richardson Stevens report; 16.8.17 EMT NRC requesting meeting; 30.8.17 EMT NRC chasing up meeting; 18.9.17 EMF KDC advising meeting confirmed 22.9.17; 29.9.17 Met with KDC and Richard Stevens and discussed options - agreement was made to install PMonitors and have drains cleared; 29.9.17 LF NRC advising PMonitors will not be installed; 5.10.17 LT NRC advising our objection to permit; 9.10.17 LF NRC advising why PMonitors not installed; 11.10.17 LT NRC requesting monitors be installed; 13.10.17 LF NRC advising permit has been granted; 11.10.17, 18.10.17, 7.2.18, 15.7.18, 22.3.18 Request for OIA Documents</p>	<p>22.3.18 - OIA - chase up KDC for discovery documents (Dropbox)</p> <p>22.8.18 Meeting with Mayor to discuss Tinopai issues</p>
<p>Aerial Spraying</p>	<p>Ngatoto Road - Aerial Spraying to remove wattle from forestry</p>	<p>KDC; NRC; [redacted]; NZ Forestry Management</p>	<p>27.11.17 complaint received from Ngatoto Road, about Helicopters spraying on their land (spray was on their cars) [redacted] denied this and became nasty. Mikaera approached [redacted] about spraying wetlands and he denied this. 29.11.17 LT KDC, NRC and [redacted] Helicopters to request urgent meeting to discuss spraying parameters and SH obligations; 30.11.17 EMF NRC (TDacre) no breach no reason to meet; 1.12.17 EMF TUOH advising will follow up with Council and confirming that the spraying is a "Permitted Activity"; 7.12.17 EMT TUOH requesting they arrange the meeting - no response; 12.12.17 Panui circulated around Tinopai regarding aerial spraying by [redacted] of toxic poisons - received several emails of support for TRMU; Feb/Mar 18 Received panui from [redacted] advising their intention to spray with toxic poisons similar to those [redacted] sprayed earlier. We understand the spraying to take place on Puketi Block and Chadwicks Road to Parry Rd Forestry; Met with [redacted], Mikaera and [redacted] they confirmed their support for a letter on their behalf; 7.3.18 LT [redacted] NRC and [redacted] requesting no spraying and meeting at Tinopai Hall - no response received. 16.3.18 EMT all parties chasing up proposed meeting 17.3. 16.3.18 EMF NRC confirming they will not be attending. 10.4.18 Discussion with [redacted] regarding rashes she has had since December - took photos.; 12.4.18 [redacted] went to KDC and asked them to test Tinopai Water supply because she believes that her rashes are from the water they wash in (town supply). She confirmed we can send a letter of support.; 13.4.18 LT KDC cc NRC and Helinorth - re [redacted] rashes and requesting Council to contact Brett Stansfield regarding water</p>	<p>4.6.18 we have prevented aerial spraying for this season - alternative weed removal needs discussion</p>

Job List	Project	Parties	Timelines	Outcome
<p>██████████ Driveway</p>	<p>Consent Notice No. CON20082102301-03 requires ██████████ to put the ██████████ driveway back to its original position</p>	<p>NRC; KDC; Li Liang</p>	<p>26.5.18 EMT ██████████ has KDC contacted him with the details of previous tests;</p> <p>9.2.17 LT KDC and NRC advising ██████████ had agreed to repositioning the driveway but had breached consent by adopting an alternative option ie. he has formalised the original driveway; 21.3.17 LT KDC and NRC chasing previous letter 4.4.17 LF NRC advising it is a KDC problem; 4.5.17 LT KDC providing further support for breach of consent conditions 12.5.17 LF NRC advising it is a KDC problem; ?? LF KDC advising the plan was unilaterally altered with consent from Council; 23.5.17 LT KDC chasing reason driveway was unilaterally consented to from Council; 13.7.17 met with KDC (Roading) who advised the responsibility was out of their jurisdiction; 24.10.17 Met with ██████████ who have accepted the driveway as it is but are still having trouble with the culvert at the end of their driveway which was supposed to be moved back to its' original position; 25.10.17 EMT KDC chasing up culvert; 29.11.17 EMT ██████████ asking if any further progress; 3.2.18 EMT KDC chasing up culvert; 3.5.18 EMT KDC chasing up culvert 7.5.18 KDC advised culvert is not a priority and will be dealt with in due course.</p>	<p>7.5.18 KDC advised this is not a priority</p> <p>See new file</p>
<p>Tinopai Campgrounds</p>	<p>Excessive water flushing from under the Effluent Field of the wastewater and sewage system</p>	<p>KDC;</p>	<p>4.7.18 Received information from a concerned member of the Community that water is flushing from under the effluent field and that is why they are unable to concrete the new Volunteer Emergency Services Building; 4.7.18 visited site, noticed damage to effluent field and took photos; 4.7.18 spoke to ██████████ (Secretary for the VESB) water possibly coming from sand pit (they have covered this now and water is still flushing out as at 2.8.18) water possibly coming from surface water or groundswell see file note; 5.7.18 spoke to Hamish at KDC he will see if he can get Roading onto the new kerbs and clearing drains discussed at the Resource Consent meeting last year. See file note. 16.7.18 EMT KDC Letter requesting Roading to clear culverts and request kerbing; EMF KDC (Roading) the grass is mowed and that's all we have to do; 23.7.18 EMT KDC (Roading) advising if the surface water problem is not fixed then the Wastewater System at the Campground would become non-compliant under the RMA; 30.7.18 EMF KDC they have put in a Service Request for the</p>	<p>See new file – kerbing and Surface Water – TCW&amp;EF</p>



Job List	Project	Parties	Timelines	Outcome
			<p>drains to be cleared and they have forwarded our request for kerbing and new culverts to the Roads Capital Works Team. 10.8.18 EMF KDC enclosing alarm report; meeting at VESB 22.87.18 1.30pm. Met with KDC see site report. Hamish to arrange 2 water samples from effluent field and chase up drain and road service. 11.9.18 Chased up KDC for either Roading Contract Services or Service Report; 26.10.18 EMT Roads Capital Works Team chase drainage and kerbs. EMT Hamish requesting copy of Alarms for Sept/Oct. 29.10.2018 EMF Hamish Alarm Report Sept/Oct – on inspection day it was OK.</p>	
<i>Completed Matters</i>				
Tinopai Activity Zone	The allotted land for this venture (Lot 22) was in dispute by neighbouring properties and a move was made to change the land for the TAZ to Lot 20	KDC; TAZ	<p>3.4.17 LF KDC advising at proposed change of TAZ site                  23.5.17 LT KDC objecting to moving of TAZ site due to flooding issues on Lot 20; 17.7.17 site visit with KDC and Engineer – Engineer wetland would require 10 tonne of dirt and 2 years for that dirt to settle; 30.8.17 met with [redacted] who said if we can get Lot 22 she would prefer but they are getting an engineer for Lot 20 at a cost of \$3k; 6.9.17 LF KDC taking further instructions from their GM; 20.8.17 EMT KDC chasing a response; 20.9.17 EMF KDC collating information for a decision; 11.10.17 EMT KDC chase response; 25.10.17 EMT KDC requesting further information from engineer's investigations and Council response re relocation from Lot 22 to Lot 20; 30.10.17 LF KDC advising kidzone is nowhere as advanced as we think it is still in it's due diligence stage, further reports will follow; 29.11.17 LT KDC chasing up activity zone 13.5.18 Meeting with Tinopai Kidzone – [redacted] will not consent to the suggested Tinopai Kidzone; 18.6.18 LT KDC we believe the vote was not counted properly did not account for tangata whenua when TRMU voted NO. 16.7.18 chased KDC; 2.8.18 chased KDC; 2.8.18 EMF KDC advising letter going out to residents explaining what's happening with Activity Zone – [redacted] has facebooked that the Activity Zone</p>	TAZ Cancelled

Job List	Project	Parties	Timelines	Outcome
S127 Change to Matakohu Bridges	Resource Consent No. APP.038707.06.02	NZTA; NRC	has been scrapped. 18.8.18 KDC advised that Tinopai Activity Zone has been cancelled.	Not within our Robe
Puapua Creek Wetland	Fencing has been completed but farmer still putting cows in wetland	NRC; KDC; Li Liang	9.2.17 LT KDC and NRC advising of cows in wetland 21.3.17 LT KDC and NRC chasing previous letter 4.4.17 LF NRC advising they have seen no cows in wetland but have contacted the farmer no stock allowed in wetland	File at an End - NRC have warned farmer
Puapua Creek Wetlands	Protection, replanting and maintenance of wetlands	NRC; KDC; [redacted]	11.8.17 EMT [redacted] requesting access to Puapua Creek for replanting; 16.8.17 Meeting to be held to discuss Resource Consent issues; 11, 13, 16, 18, 21 August arranging meeting with Li and NRC; 23.8.17 Confirmation from [redacted] to replanting of fenced area at Puapua Creek; 30.8.17 Circulate Panui; 6.9.17 Apply to Living Water for Planting Spades 12.9.17 Living Water agree to purchase Planting Spades 20.9.17 ordered spades and trays from Horticulture Group 30.9.17 Planting day at Puapua Creek was a success - 3800 plants were dug in that day; 3.10.17 NRC chased payment to Horticulture Group; 11.10.17 Chase payment; 25.10.17 EMF Pete Graham (NRC) confirming invoice has been paid 25.10.17 EMT Horticulture requesting confirmation that invoice has been paid and arrange date for collection; 3.11.17 confirmation from Horticulture invoice has been paid collect equipment; 8.12.17 equipment collected - now at Tinopai School; 19.9.17 replanting day successful	Completed - obtain further funding to continue pest and weed control programme.
[redacted]	Breach of Wetlands	KDC (Denise Hopkins)	11.10.17 LT Denise re [redacted]; further breaches of wetlands. 12.10.17 EMF KDC confirming investigation taking place 9.2.18 EMF KDC requesting further information about contractor who complained about breaches 14.2.18 EMF KDC advising no further investigation	14.2.18 an unsatisfactory result
Te Kaokao Wetland - [redacted] breach of DOC Covenants	We have received a complaint that [redacted] has bulldozed the wetland	KDC (Denise Hopkins); DOC and [redacted] NRC (TDacre - New Monitor) NRC (CDall - OIA)	21.3.17 Schedule to KDC advising of breach of DOC covenant 4.5.17 LT KDC and NRC advising of breach of DOC covenant 18.7.17 Meeting with DOC and NRC. DOC have no powers. NRC advised they can issue an abatement notice. 31.7.17 NRC to meet with [redacted] and [redacted] regarding breach of wetland and remedies	# 398 File at an end - see complaint made about unilateral decisions by (NRC Staff Complaint File)

Job List	Project	Parties	Timelines	Outcome
Living Water Funding	Charitable funding for Contractor to pest and weed control nominated wetlands – Te Kaokao and Puapua Creek	NRC (Pete Grahem) Living Water TRMU	<p>8.8.17 LF NRC confirming proposed meeting with [redacted] and [redacted]</p> <p>16.8.17 EMT NRC chasing result from meeting with [redacted] and [redacted]</p> <p>23.8.17 LF NRC advising they are taking action against both [redacted] and [redacted]. The Resource Consent issue is an KDC issue and they have no jurisdiction over DOC covenants.</p> <p>30.8.17 LT NRC re Tinopai RMU and Catchment Plan confirming this is a KDC matter</p> <p>30.8.17 LT DOC re-entering onto land to replant</p> <p>3.9.17 LF KDC confirming they will investigate</p> <p>8.9.17 LF KDC confirming they will arrange a meeting with [redacted]</p> <p>11.9.17 LF NRC They are not going to do anything, [redacted] is working with an NRC wetlands specialist.</p> <p>5.10.17 LF NRC advising NRC meeting with [redacted] on 6.10.17 and they will report back</p> <p>12.10.17 EMF KDC confirming breaches, boundary has been moved, building non-compliant, further report due.</p> <p>22.11.17 EMF KDC sanctioning the clearing of [redacted]s wetland</p> <p>12.12.17 EMT KDC advising the wetland at the beach has been destroyed and is dead and is threatening the dotterill's habitat. Requested onsite meeting</p> <p>12.2.18 EMF KDC asking for pinpoint id on google maps.</p> <p>13.2.18 EMT KDC advising photograph nearer to 2 than 1.</p> <p>15.2.18 LT NRC requesting further OIA documentation;</p> <p>28.3.18 – LF NRC enclosing OIA documentation</p> <p>See LT NRC complaining about staff</p>	<p>Completed. Obtain further funding to continue pest and weed control programme.</p>
			<p>7.2.18 EMT Pete to arrange meeting; Tahī to send invoices and graph for pest control; Pete to advise next date for Living Water applications.</p> <p>5.4.18 Met with Pete, Tahī, Mina and Mikaera – reviewed draft report; Pete to input Map and Financials; Tahī to input Contractor's Report; Mikaera to input photos.</p> <p>17.4.18 EMT Pete chase financials.</p> <p>3.5.18 EMT Pete enclosing amended report for his approval</p> <p>4.5.18 EMF Pete confirmed the report is sufficient and that he will again chase up administration for the financial report March 17 to July 17</p> <p>9.5.18 EMF Living Water Ben no longer works for Living Water</p>	<p># 398</p>

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Job List	Project	Parties	Timelines	Outcome
Puapua Creek Wetlands	Removal of floodgates	NRC; KDC; [REDACTED]	<p>23.5.18 EMT Living Water requesting report to be forwarded to relevant person in charge</p> <p>26.5.18 EMT Living Water – chase up remainder of funds</p> <p>23.5.17 LTKDC requesting the removal of floodgates; 13.7.17 Meeting with KDC (Rooding) who have agreed to open the floodgates; 26.7.17 EMT KDC (Rooding) chasing their confirmation that they will open the floodgates; 16.8.17 EMT KDC (Rooding) chasing up date for opening of floodgates</p> <p>23.8.17 chase EMT KDC (Rooding) chasing up date for opening of floodgates; 30.8.17 chase EMT KDC (Rooding) and Mayor chasing update for opening floodgates; 6.9.17 Chase EMT KDC (Rooding); 12.9.17 EMF KDC confirming submission has been made to Council for the opening of the gate; 25.10.17 EMT KDC chasing decision on removal of floodgate; 25.10.17 BPetersen on leave until 26.10.17; Cyclone opened the floodgate – wetland is now tidal. ☹️ Unfortunately we lost 1/2 of our planting to the tide</p>	<p>Cyclone opened the floodgate – wetland is now tidal.</p> <p>See buildings in Puapua Creek – tide now flows past those buildings thus they are situated within the Coastal Marine Area and require Resource Consent.</p>



Appendix 9: Fight The Tip Committee's Panui

# FIGHT THE TIP SAVE THE DOME

FIGHT THE TIP : TIAKI TE WHENUA INCORPORATED

## DID YOU KNOW...

- **Waste Management want to put a massive landfill in our pristine Dome Valley?**
- There will be 300-500 waste trucks doing return trips from Auckland every day
- Auckland landfills contain up to 17% potentially hazardous waste
- Waterways from the landfill site run into the Hotoe River which leads into the Kaipara Harbour
- The Kaipara Harbour is our largest snapper breeding ground
- **YOU have a say!**

## ARE YOU CONCERNED ABOUT...

- Traffic congestion on SH1? Being stuck behind a truck on this dangerous road? Noise levels?
- Toxic leachate potentially leaking into our waterways? Our rivers? Wellsford's drinking water? The Kaipara Harbour?
- The possible effect on our fishing industry? Endangering our native flora and fauna?
- How Waste Management will MANAGE all that?

## HOW CAN YOU HELP?

JOIN OUR FACEBOOK GROUP \* SHARE \* SIGN OUR PETITIONS \* PUT UP SIGNS OR PROTEST WITH US \* DONATE TO HELP US STOP THIS LANDFILL

- FightWMSavetheDome (page) [www.facebook.com/groups/SavetheDome](http://www.facebook.com/groups/SavetheDome)
- [fightthetip.nz@gmail.com](mailto:fightthetip.nz@gmail.com)

For more detailed information please turn the page →

## FOREIGN OWNED WASTE MANAGEMENT WANT TO PUT A MASSIVE LANDFILL IN OUR PRISTINE DOME VALLEY!!!

- This is not a small local tip, this is a MASSIVE landfill.
  - The site will operate 24 hours a day, with 300-500 waste trucks doing return trips from Auckland and surrounding areas every day.
  - Other regions are potentially interested in bringing their waste to the Dome Valley landfill too...if so, Northland's waste trucks would come through the Wellsford township.
  - 85% of the rubbish coming to this proposed landfill will be industrial waste. Up to 17% potentially hazardous waste.
  - Waste Management plan on lining a whole valley with a 1.5mm thick plastic (HDPE) liner to catch leachate. They cannot guarantee the exact life span of that liner.
  - The Dome Valley is a high rainfall area, the hills are prone to slipping.
  - Slips could potentially tear the landfill liner or destroy leachate catchments.
  - Waterways from the landfill site run into the Hotoe River which leads into the Kaipara Harbour.
  - Toxins and poisons could potentially reach the Kaipara Harbour which is a very important breeding ground for many fish including snapper.
  - A new Wellsford Town Water supply bore is in the valley below the landfill site.
  - The truck wash down area is near locations identified as being habitat for the endangered Hochstetter frog.
  - An odour neutraliser is sprayed onto the landfill which turns to salts in the environment.
  - Increased noise, rubbish, pests, rodents and seagulls in the environment.
- Further local reading: <https://www.localmatters.co.nz/news/30444-landfill-threatens-to-pollute-water-supplies-says-resident.html>  
 Documentary about Landfills: YouTube "The Secret Life of Landfill"

## WHAT CAN WE DO?

**YOU HAVE A SAY!**  
 The consent application will be publicly notified SOON. You can put a submission to Auckland Council to oppose. We can help with that. Email [fightthetip.nz@gmail.com](mailto:fightthetip.nz@gmail.com)

**SIGN THE PARLIMENT PETITION:**  
[https://www.parliament.nz/en/00/petitions/document/PET\\_38725/petition-of-michelle-carmichael-for-fight-the-tip](https://www.parliament.nz/en/00/petitions/document/PET_38725/petition-of-michelle-carmichael-for-fight-the-tip)

- \* PUT UP SIGNS OR PROTEST WITH US
- \* SIGN OUR PETITIONS: AUCKLAND COUNCIL
- \* SIGN OUR PETITIONS: AVAAZ.ORG FIGHT THE TIP LANDFILL
- \* DONATIONS TO HELP US STOP THE LANDFILL ARE GRATEFULLY RECEIVED. OUR ACCOUNT: FIGHT THE TIP: TIAKI TE WHENUA 12 2094 0274048 00
- \* GIVE A LITTLE: <http://givaalittle.co.nz/cases/fightthetip/>
- \* JOIN OUR FB GROUP \* JOIN OUR EMAIL COMMUNITY

**TOGETHER WE HAVE A CHANCE**