

Fast-track Approvals Act 2024 – Treaty settlements and other obligations (Section 18) report

Project Name: FTAA-2511-1136 Redvale Landfill Expansion

To:	Date:
Hon Chris Bishop, Minister for Infrastructure	3 March 2026

Number of attachments: 7	Attachments: - Provisions of section 18 of the Fast-track Approvals Act 2024 - Project location maps - List of relevant Māori groups - Map of statutory acknowledgement for Rangitōpuni Stream and tributaries - Statement of association for Rangitōpuni Stream from Te Kawerau ā Maki deed of settlement - Statutory Acknowledgement provisions from Te Kawerau ā Maki Claims Settlement Act 2015 - Comments received from the Minister for Māori Development and Minister for Māori Crown Relations
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Ministry for the Environment contacts:

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Key points

- The Ministry for the Environment (on behalf of the Secretary for the Environment) has prepared this report on Treaty settlements and other obligations under section 18 of the Fast-track Approvals Act 2024 (the Act), in relation to the FTAA-2511-1136 Redvale Landfill Expansion referral application.
- The applicant, Waste Management NZ Limited, proposes to expand the capacity, and extend the operational life, of the existing Redvale Landfill at Dairy Flat, Auckland, by

providing 4.5 million cubic metres of additional landfill capacity and extending the landfill's life by eight years from 2028 to 2036. The project area does not include any part of the marine and coastal area. The applicant owns the land on which the project is proposed and is seeking a range of resource consents under the Resource Management Act 1991 (RMA).

3. Section 18(2) of the Act requires that this report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. Auckland has a complex Treaty settlement landscape with many overlapping interests. There are groups in the post-settlement phase with others at different stages of the Treaty settlement process, including some groups seeking both individual and collective settlement redress. We have provided a summary of the relevant Māori groups identified under section 18(2) at **Attachment 3**.
4. Treaty settlements relevant to the project area include settlement Acts and signed deeds of settlement (where settlement legislation has yet to be passed). We have identified Ngāti Whātua o Kaipara Claims Settlement Act 2013, Te Kawerau ā Maki Claims Settlement Act 2015, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Pāoa Claims Settlement Act 2025, and Te Ākitai Waiohū deed of settlement (signed in 2021) as the relevant Treaty settlements for this application.
5. The Te Kawerau ā Maki Claims Settlement Act 2015 provides for a statutory acknowledgement over the Rangitōpuni Stream and its tributaries. Under the RMA and the settlement legislation, a consent authority must have regard to a statutory acknowledgement when deciding whether an iwi is an 'affected person' for the purposes of notification decisions and must provide a summary of any consent applications relevant to the statutory area to a statutory acknowledgement holder.
6. We consider the process of inviting comment (including providing information about the application) from Te Kawerau Iwi Settlement Trust is comparable to the process under the RMA and Treaty settlements where local authorities are required to have regard to statutory acknowledgements when considering who is an affected person for a consent application.
7. No feedback was received from the Māori groups you invited to comment on the application.
8. The Minister for Māori Development and the Minister for Māori Crown Relations support the application for referral.
9. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Signature



Stephanie Frame
Manager – Fast-track Operations

Introduction

10. Under section 18 of the Act, you must obtain and consider a report on Treaty settlements and other obligations for each referral application, prepared by the responsible agency (Secretary for the Environment).
11. The information which must be provided in this report includes:
 - a. relevant iwi authorities, Treaty settlement entities, applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), and other Māori groups with interests in the project area;
 - b. relevant principles and provisions in Treaty settlements and other arrangements;
 - c. a summary of comments and further information received from invited Māori groups; and
 - d. advice on whether it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
12. This report is structured accordingly. We have provided a list of the relevant provisions of section 18 at **Attachment 1**.

Proposed project

13. The applicant, Waste Management NZ Limited, proposes to expand the capacity, and extend the operational life, of the existing Redvale Landfill at 66 Landfill Access Road in Dairy Flat, Auckland. The project will provide additional landfill capacity to accommodate around 600,000 tonnes of waste per year (i.e. the current rate) until a proposed new Auckland Regional Landfill becomes operational in the mid-2030s. The project will develop an additional 4.5 million cubic metres of airspace (being the engineered volume available to be filled with waste) at the existing facility and extend the landfill's life by eight years from 2028 to 2036. The applicant owns the land on which the project is proposed. There is no identified Māori land, as defined in the Act, in the project area.
14. The applicant seeks resource consents under the RMA for earthworks, vegetation removal, discharge of contaminants to land and water, diversion and discharge of treated stormwater, discharges to air, construction and operation of the landfill in flood hazard areas, managing contaminants in soil, activities in relation to wetland setbacks, and other matters. No approvals are being sought under other Acts.
15. We have provided location maps at **Attachment 2**.

Relevant iwi authorities, Treaty settlement entities, and other Māori groups

16. We note that some entities identified below may be included in more than one category. We have included a composite list of all groups at **Attachment 3**.

Iwi authorities

17. Under section 4(2) of the Act, 'iwi authority' has the same meaning as in section 2(1) of the RMA:

the authority which represents an iwi and which is recognised by that iwi as having authority to do so.
18. We consider the following groups to be the relevant iwi authorities for the project area:
 - a. Te Kawerau Iwi Settlement Trust, representing Te Kawerau ā Maki;

- b. Hako Tūpuna Trust, representing Hako;
- c. Te Rūnanga o Ngāti Whātua, representing Ngāti Whātua;
- d. Ngāti Maru Rūnanga Trust, representing Ngāti Maru;
- e. Ngāti Pāoa Iwi Trust, representing Ngāti Paoa;
- f. Ngāi Tai ki Tamaki Trust, representing Ngāi Tai ki Tamaki;
- g. Ngāti Tamaterā Treaty Settlement Trust, representing Ngāti Tamaterā;
- h. Ngaati Whanaunga Incorporated Society, representing Ngaati Whanaunga;
- i. Ngāti Manuhiri Settlement Trust, representing Ngāti Manuhiri;
- j. Te Ākitai Waka Taua Inc, representing Te Ākitai Waiohua;
- k. Ngā Maunga Whakahii o Kaipara Development Trust, representing Ngāti Whātua o Kaipara; and
- l. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata.

Treaty settlement entities

19. Under section 4(1) of the Act, “Treaty settlement entity” means any of the following:

- (a) a post-settlement governance entity (PSGE):*
- (b) a board, trust, committee, authority, or other body, incorporated or unincorporated, that is recognised in or established under any Treaty settlement Act:*
- (c) an entity or a person that is authorised by a Treaty settlement Act to act for a natural resource feature with legal personhood:*
- (d) Te Ohu Kai Moana or a mandated iwi organisation (as those terms are defined in section 5(1) of the Maori Fisheries Act 2004):*
- (e) an iwi aquaculture organisation (as defined in section 4 of the Maori Commercial Aquaculture Claims Settlement Act 2004).*

20. . Under the Act, a PSGE:

- (a) means a body corporate or the trustees of a trust established, for the purpose of receiving redress in the Treaty settlement of a claimant group,—*
 - (i) by that group; or*
 - (ii) by or under an enactment or order of a court; and*
- (b) includes—*
 - (i) an entity established to represent a collective or combination of claimant groups; and*
 - (ii) an entity controlled by an entity referred to in paragraph (a); and*
 - (iii) an entity controlled by a hapū to which redress has been transferred by an entity referred to in paragraph (a).*

21. In keeping with the procedural principles outlined at section 10 of the Act, we only identify those PSGEs which are specified in the relevant Treaty settlement Act or Treaty settlement deed.¹
22. We have identified the following relevant Treaty settlement entities for this project area:
- a. Ngā Maunga Whakahii o Kaipara Development Trust, PSGE for Ngāti Whātua o Kaipara Claims Settlement Act 2013;
 - b. Te Kawerau Iwi Settlement Trust, PSGE for Te Kawerau ā Maki Claims Settlement Act 2015;
 - c. Ngāi Tai ki Tamaki Trust, PSGE for Ngāi Tai ki Tāmaki Claims Settlement Act 2018; and
 - d. Ngāti Paoa Iwi Trust, PSGE representing Ngāti Paoa;
23. A PSGE may be established ahead of finalising a deed of settlement and/or enactment of Treaty settlement legislation. The following PSGEs in this category are also relevant:
- a. Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership, PSGE representing Marutūāhu Iwi Collective, a record of agreement signed 17 May 2013;
 - b. Ngāti Tamaterā Treaty Settlement Trust, PSGE representing Ngāti Tamaterā, initialled deed of settlement 8 September 2017;
 - c. Ngāti Maru Rūnanga Trust, PSGE representing Ngāti Maru, initialled deed of settlement 8 September 2017;
 - d. Te Rūnanga o Ngāti Whātua, PSGE representing Ngāti Whātua for settlement of remaining claims, agreement in principle signed 18 August 2017;
 - e. Ngaati Whanaunga Ruunanga Trust, PSGE representing Ngaati Whanaunga, initialled deed of settlement 25 August 2017; and
 - f. Te Ākitai Waiohū Settlement Trust, PSGE representing Te Ākitai Waiohū, signed deed of settlement 12 November 2021.

Groups mandated to negotiate Treaty settlements

24. In addition to the PSGEs identified at paragraph 23, the following groups have recognised mandates to negotiate a Treaty settlement over an area which may include the project area:
- a. Ngāti Te Ata Claims Support Whānau Trust, representing Ngāti Te Ata; and
 - b. Ngāti Koheriki Claims Committee, representing Ngāti Koheriki.
25. Both of these mandated groups are in the early stages of negotiating their Treaty settlement with the Crown.

Takutai Moana groups and ngā hapū o Ngāti Porou

26. The project area does not include the common marine and coastal area, and accordingly there are no relevant applicant groups under MACA, and no court orders or agreements that recognise protected customary rights or customary marine title within the project area.

¹ Should a panel be made aware of a Treaty settlement entity established after the Treaty settlement Act is enacted (e.g. on the advice of a PSGE), then there would appear to be nothing to prevent the panel from inviting that entity to comment on the application under section 53(2)(c) of the Act.

27. The project area is not within ngā rohe moana o ngā hapū o Ngāti Porou (as set out in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).

Iwi or hapū whose practices are recognised under the Fisheries Act 1996 through regulation or bylaws

28. The project area does not include a taiāpure-local fisheries area, mātaihai reserve, or area subject to a bylaw or regulations made under Part 9 of the Fisheries Act 1996.

Owners of identified Māori land where electricity infrastructure or land transport infrastructure is proposed

29. Section 23 of the Act provides that, in making a decision on a referral application under section 21, the Minister may determine that, for the purposes of the project, an activity described in section 5(1)(a) is not an ineligible activity if it:

- a. is the construction of electricity lines or land transport infrastructure by (or to be operated by) a network utility operator that is a requiring authority; and
- b. would occur on identified Māori land that is Māori freehold land or General land owned by Māori that was previously Māori freehold land.

30. This project does not involve an activity described in section 23(1) (i.e. including both (a) and (b)) of the Act.

Iwi authorities and groups representing hapū who are party to relevant Mana Whakahono ā Rohe or joint management agreements

31. If the project area is within the boundaries of either a Mana Whakahono ā Rohe or joint management agreement, and the application includes a proposed RMA approval described in section 42(4)(a) to (d) (resource consent, certificate of compliance, or designation), we are required to identify the relevant iwi authority/group that represent hapū that are parties to these arrangements.

32. We have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area, and accordingly there no parties to these arrangements to identify. Ngai Tai ki Tamaki began negotiating a Mana Whakahono a Rohe agreement with Auckland Council in 2018, however an agreement has not yet been reached.

Any other Māori groups with relevant interests

33. In addition to the groups above, we have also identified Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership as another Māori group which may have relevant interests.

34. For your information, the applicant advises that they commissioned Whetū Consultancy Group to consult and engage with mana whenua groups in the Auckland Region on the project and prepare a cultural values assessment (CVA). The CVA will inform further engagement and preparation of a substantive application if the referral application is accepted.

Relevant principles and provisions in Treaty settlements and other arrangements

Treaty settlements

35. Under section 4(1) of the Act, a Treaty settlement includes both a Treaty settlement Act and a Treaty settlement deed which is signed by both the Crown and representatives of a group of Māori.
36. The following Treaty settlements relate to land, species of plants or animals, or other resources within the project area:

Settlement Acts

- a. Ngāti Whātua o Kaipara Claims Settlement Act 2013;
- b. Te Kawerau ā Maki Claims Settlement Act 2015;
- c. Ngāi Tai ki Tāmaki Claims Settlement Act 2018;
- d. Ngāti Paoa Claims Settlement Act 2025;

Deeds of settlement

- e. Te Ākitai Waiohūa deed of settlement, signed 2021.

Relevant principles and provisions

37. Section 7 of the Act requires all persons exercising powers and functions under the Act to act in a manner consistent with Treaty settlements. The relevant principles and provisions for each of these settlements are set out below.

Crown acknowledgements and apologies

38. The Crown offers acknowledgements and an apology to relevant groups as part of Treaty settlement redress to atone for historical wrongs that breached te Tiriti o Waitangi/the Treaty of Waitangi, to restore honour, and begin the process of healing.
39. As part of the Crown's apologies to Ngāi Tai ki Tāmaki, Ngāti Whātua o Kaipara, Te Kawerau ā Maki, Ngāti Paoa, and Te Ākitai Waiohūa, the Crown stated that it looked forward to building a new relationship with iwi based on co-operation, mutual trust, and respect for te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The redress provided for in Treaty settlements should be viewed in the context of these intentions.

Statutory acknowledgement

40. The Te Kawerau ā Maki Claims Settlement Act 2015 provides for a statutory acknowledgement over the Rangitōpuni Stream and tributaries. We have identified this as relevant to the project area because the project site drains to the Rangitōpuni Stream tributaries.
41. We have provided a map at **Attachment 4** showing the location of the project area in relation to the statutory acknowledgement. We have also included a statement of association regarding Rangitōpuni Stream from the Te Kawerau ā Maki deed of settlement at **Attachment 5**.

42. Under the RMA and relevant Treaty settlement Acts, a consent authority must, when considering a resource consent for a proposed activity that is within, adjacent to, or affecting a statutory area:
- a. provide a summary of the application to the holder of the statutory acknowledgement. The summary of the application must be the same as would be given to an affected person by limited notification under the RMA. The summary must be provided as soon as is reasonably practicable after the relevant consent authority receives the application, but before they decide whether to notify the application; and
 - b. have regard to the statutory acknowledgement when deciding whether the holder (generally a PSGE) is an 'affected person' for the purposes of notification decisions under the RMA.
43. The holder of a statutory acknowledgment may also cite this as evidence of their association with a statutory area in any submission before a relevant consent authority (or the Environmental Protection Authority (EPA), board of inquiry, Environment Court, Heritage New Zealand Pouhere Taonga), who may, in turn, take that statutory acknowledgement into account.
44. We consider the process of inviting comment (including providing information about the application) is comparable to the process under Treaty settlements and the RMA of providing those who hold statutory acknowledgements with a summary of the application. You have already invited Te Kawerau Iwi Settlement Trust, as the relevant Treaty settlement entity, to comment on the application. Should you accept this referral application, this group will also be invited to comment by the panel on any substantive application for this project under section 53(2)(c) of the Act.
45. For your reference, we have included the relevant statutory acknowledgement provisions from the Te Kawerau ā Maki Claims Settlement Act 2015 at **Attachment 6**.
46. We also note that iwi and hapū are likely to have cultural associations with ancestral lands, water, sites, wāhi tapu, and other taonga beyond what is specifically identified in a Treaty settlement or other arrangements. Local tangata whenua and their representatives would be best placed to advise on such matters in the first instance.

Customary Marine Title/Protected Customary Rights

47. As noted above, the project area is not within a customary marine title area, protected customary rights area, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou.

Taiāpure-local fisheries/mātaitai reserves/areas subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996

48. As noted above, the project area does not include a taiāpure-local fishery, mātaitai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996.

Mana Whakahono ā Rohe/Joint management agreement

49. As noted above, we have not identified any Mana Whakahono ā Rohe or joint management agreements that are relevant to the project area.

Summary of comments received and advice

Comments from invited Māori groups

50. Pursuant to section 17(1)(d) of the Act, on 15 December 2025 you invited written comments from the Māori groups identified above in paragraphs 18-24, from a list we previously provided you. These groups were provided with access to the application material and had 20 working days from receipt of the copy of the application to respond.
51. You did not receive comments from any of these groups.

Consultation with departments and Ministers

52. In preparing this report, we are required to:
- a. consult relevant departments; and
 - b. provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti (for response within 10 working days).
53. We sought advice from Te Puni Kōkiri and The Office of Treaty Settlements and Takutai Moana – Te Tari Whakatau regarding the relevant Māori groups and have incorporated their views into this report.
54. The Minister for Māori Development and the Minister for Māori Crown Relations support the application for referral.

Advice on whether it may be more appropriate to deal with the proposed approvals under another Act/s

55. Under section 18(2)(m), this report must include our advice on whether, due to any of the matters identified in section 18, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.
56. We do not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

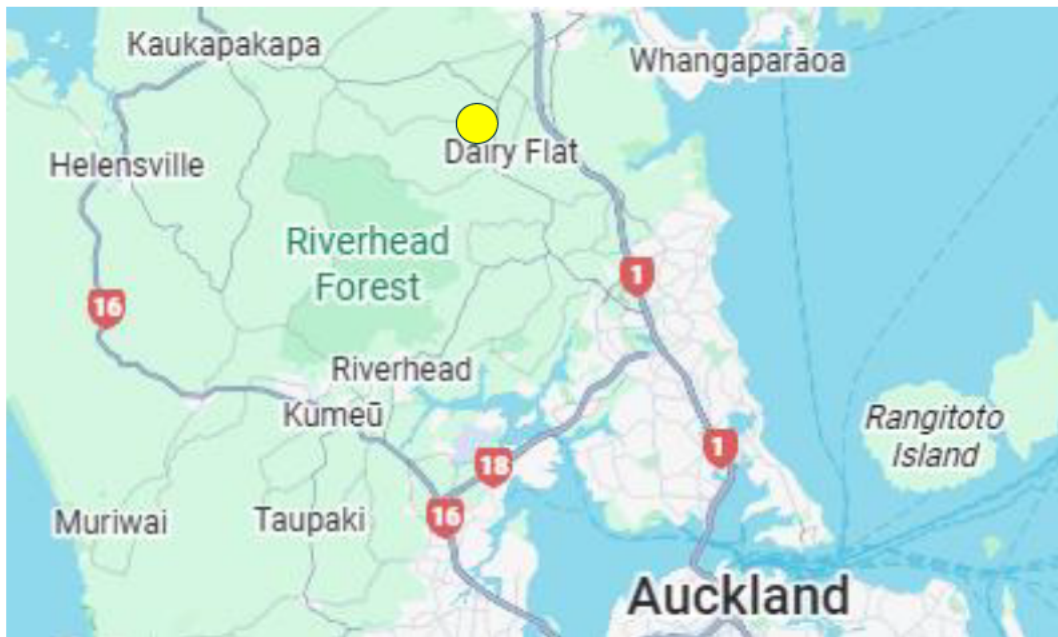
Attachment 1: Provisions of section 18 of the Fast-track Approvals Act 2024

Section	Information required	Paragraph reference in this report
18(1)	The Minister must, for a referral application, obtain and consider a report that is prepared by the responsible agency in accordance with this section.	10, 11
18(2)(a)	Any relevant iwi authorities and relevant Treaty settlement entities	18, 22, 23
18(2)(b)	Any Treaty settlements that relate to land, species of plants or animals, or other resources within the project area	36
18(2)(c)	The relevant principles and provisions in those Treaty settlements, including those that relate to the composition of a decision-making body for the purposes of the Resource Management Act 1991	37, 46
18(2)(d)	Any recognised negotiation mandates for, or current negotiations for, Treaty settlements that relate to the project area.	24, 25
18(2)(e)	Any court orders or agreements that recognise protected customary rights or customary marine title within the project area.	26, 47
18(2)(f)	Any applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 that seek recognition of customary marine title or protected customary rights within the project area.	26, 47
18(2)(g)	Whether the project area would be within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou (and, if so, the relevant provisions of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019).	27, 47
18(2)(h)	Whether the project area includes any taiāpure-local fisheries, mātaihai reserves, or areas that are subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 (and, if so, who the tangata whenua are).	28, 48
18(2)(i)	Whether the project involves an activity that could be the subject of a determination under 23 (and, if so, who the owners of the land are).	30
18(2)(j)	If the proposed approvals include an approval described in any of section 42C(4)(a) to (d) (resource consent, certificate of compliance, or designation), (i) iwi authorities and groups that represent hapū that are parties to any relevant Mana Whakahono ā Rohe or joint management agreements.	32, 49

	(ii) The relevant principles and provisions in those Mana Whakahono ā Rohe and joint management agreements.	
18(2)(k)	Any other Māori groups with relevant interests.	33
18(2)(l)	A summary of— (i) comments received by the Minister after inviting comments from Māori groups under section 17(1)(d) and (e); (ii) any further information received by the Minister from those groups	50, 51
18(2)(m)	The responsible agency's advice on whether, due to any of the matters identified in this section, it may be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.	55
18(3)	In preparing the report required by this section, the responsible agency must— (a) consult relevant departments; and (b) provide a draft of the report to the Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti.	52, 53
18(4)	Those Ministers must respond to the responsible agency within 10 working days after receiving the draft report	52

Attachment 2: Project location map

Map 1. Location of Redvale Landfill shown by yellow circle below



Map 2. Local area – location of Redvale Landfill shown by yellow circle below



Map 3. Footprint of proposed Redvale Landfill extension



Attachment 3: List of relevant Māori groups

Name of group	FTAA section
Te Rūnanga o Ngāti Whātua	18(2)(a)
Ngā Maunga Whakahii o Kaipara Development Trust	18(2)(a)
Hako Tūpuna Trust	18(2)(a)
Ngāti Maru Rūnanga Trust	18(2)(a), 18(2)(d)
Ngāti Manuhiri Settlement Trust	18(2)(a)
Ngāti Pāoa Iwi Trust	18(2)(a)
Ngāi Tai ki Tāmaki Trust	18(2)(a)
Ngāti Tamaterā Treaty Settlement Trust	18(2)(a)
Te Kawerau Iwi Settlement Trust	18(2)(a)
Te Ākitai Waiohua Waka Taua Inc	18(2)(a)
Te Ākitai Waiohua Settlement Trust	18(2)(a), 18(2)(d)
Ngaati Whanaunga Incorporated Society	18(2)(a)
Ngaati Whanaunga Ruunanga Trust	18(2)(a)
Ngāti Te Ata Claims Support Whānau Trust	18(2)(a), 18(2)(d)
Taonga o Marutūāhu Trustee Limited/Marutūāhu Rōpū Limited Partnership	18(2)(a), 18(2)(d)
Ngāti Koheriki Claims Committee	s18(2)(d)
Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership	s18(2)(k)

Attachment 4: Map of statutory acknowledgement for Rangitōpuni Stream and tributaries.

Map 4. Location of Redvale Landfill (red marking) within the statutory area of Rangitōpuni Stream and tributaries statutory acknowledgement (blue marking).



Attachment 5: Statement of association for Rangitōpuni Stream from Te Kawerau ā Maki deed of settlement.

DOCUMENTS

4: STATEMENTS OF ASSOCIATION

RANGITOPUNI STREAM

Statutory Area

The area to which this Statutory Acknowledgement applies is the area known as Rangitōpuni Stream, or to Te Kawerau ā Maki as Manga Rangitōpuni, as shown on deed plan OTS-106-12.

Cultural, Spiritual, Historic and Traditional Association of Te Kawerau ā Maki with Manga Rangitōpuni.

Te Kawerau ā Maki hold significant historical, cultural and spiritual associations with Manga Rangitōpuni and its catchment. The Rangitōpuni Stream extends inland for approximately 15 kilometres from the head of the Waitematā Harbour at Riverhead to the extensive land block known as Pukeatua. Its large catchment is enclosed in the north-west by part of what is now Riverhead Forest and the high point of Te Ahu. In the north east the catchment covers the areas known as Pukekauere and Paeraorao, from which flows the tributary stream known as Huruhuru. On the east the catchment is enclosed by the sacred hill Pukeatua and the long ridgeline known as Heruroa. The main sub-catchment in this area is the Mahoenui Stream, which extends over the area now known as Coatesville. Within this catchment is located the wāhi tapu area known as Onehungahunga. At the south western edge of the catchment is the sacred hill known as Te Pane ō Poataniwha, named after the Te Kawerau ā Maki ancestor Poataniwha.

Within the southern portion of the stream catchment is the locality which gives the Rangitōpuni Stream its name. Here, in the early eighteenth century, Te Kawerau ā Maki concluded a series of peace making meetings with another tribe, in an event known as "Rangi tōpuni", "the day of the (gifting of) the dog skin cloaks".

Traditionally occupation was concentrated in the southern area of the catchment around the strategically important area of Rangitōpuni, now known as Riverhead. At the falls marking the outlet of the Rangitōpuni Stream were two kāinga (settlements) known as Taurangatira and Ōrangikānohi. The latter settlement was named after a Te Kawerau ā Maki ancestress. On the south-western edge of the lower catchment is the locality known as Papakoura, which is a reminder of the harvesting of the fresh water crayfish, and the wide array of food that was traditionally taken from the stream and its margins. Also located within this area of the Rangitōpuni Stream catchment are several localities of considerable historical importance, including Te Wā Tira, Rakau Tūrua, Kaiakeake and Moaruku. These places are of particular significance to Te Kawerau ā Maki as they are linked with the tradition "Ruarangi haerere", associated with the ancestor Ruarangi and his eventful journey from Tāmaki Makaurau to Kaipara.

Attachment 6: Statutory Acknowledgement provisions from Te Kawerau ā Maki Claims Settlement Act 2015

28 Statutory acknowledgement by the Crown

The Crown acknowledges the statements of association for the statutory areas.

29 Purposes of statutory acknowledgement

The only purposes of the statutory acknowledgement are—

- (a) to require relevant consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement, in accordance with [sections 30 to 32](#); and
- (b) to require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas and to provide summaries of resource consent applications or copies of notices of applications to the trustees, in accordance with [sections 33 and 34](#); and
- (c) to enable the trustees and any member of Te Kawerau ā Maki to cite the statutory acknowledgement as evidence of the association of Te Kawerau ā Maki with a statutory area, in accordance with [section 35](#).

30 Relevant consent authorities to have regard to statutory acknowledgement

- (1) This section applies in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, a relevant consent authority must have regard to the statutory acknowledgement relating to the statutory area in deciding, under [section 95E](#) of the Resource Management Act 1991, whether the trustees are affected persons in relation to the activity.
- (3) Subsection (2) does not limit the obligations of a relevant consent authority under the [Resource Management Act 1991](#).

31 Environment Court to have regard to statutory acknowledgement

- (1) This section applies to proceedings in the Environment Court in relation to an application for a resource consent for an activity within, adjacent to, or directly affecting a statutory area.
- (2) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area in deciding, under [section 274](#) of the Resource Management Act 1991, whether the trustees are persons with an interest in the proceedings greater than that of the general public.
- (3) Subsection (2) does not limit the obligations of the Environment Court under the [Resource Management Act 1991](#).

32 Heritage New Zealand Pouhere Taonga and Environment Court to have regard to statutory acknowledgement

- (1) This section applies to an application made under [section 44, 56, or 61](#) of the Heritage New Zealand Pouhere Taonga Act 2014 for an authority to undertake an activity that will or may modify or destroy an archaeological site within a statutory area.
- (2) On and from the effective date, Heritage New Zealand Pouhere Taonga must have regard to the statutory acknowledgement relating to the statutory area in exercising its powers under [section 48, 56, or 62](#) of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the application.
- (3) On and from the effective date, the Environment Court must have regard to the statutory acknowledgement relating to the statutory area—
 - (a) in determining whether the trustees are persons directly affected by the decision; and
 - (b) in determining, under [section 59\(1\) or 64\(1\)](#) of the Heritage New Zealand Pouhere Taonga Act 2014, an appeal against a decision of Heritage New Zealand Pouhere Taonga in relation to the application.
- (4) In this section, **archaeological site** has the meaning given in [section 6](#) of the Heritage New Zealand Pouhere Taonga Act 2014.

33 Recording statutory acknowledgement on statutory plans

- (1) On and from the effective date, each relevant consent authority must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover a statutory area.
- (2) The information attached to a statutory plan must include—
 - (a) a copy of [sections 28 to 32, 34, and 35](#); and
 - (b) descriptions of the statutory areas wholly or partly covered by the plan; and
 - (c) the statement of association for each statutory area.
- (3) The attachment of information to a statutory plan under this section is for the purpose of public information only and, unless adopted by the relevant consent authority as part of the statutory plan, the information is not—
 - (a) part of the statutory plan; or
 - (b) subject to the provisions of [Schedule 1](#) of the Resource Management Act 1991.

34 Provision of summary or notice to trustees

- (1) Each relevant consent authority must, for a period of 20 years on and from the effective date, provide the following to the trustees for each resource consent application for an activity within, adjacent to, or directly affecting a statutory area:
 - (a) if the application is received by the consent authority, a summary of the application; or
 - (b) if notice of the application is served on the consent authority under [section 145\(10\)](#) of the Resource Management Act 1991, a copy of the notice.
- (2) A summary provided under subsection (1)(a) must be the same as would be given to an affected person by limited notification under [section 95B](#) of the Resource Management Act 1991 or as may be agreed between the trustees and the relevant consent authority.
- (3) The summary must be provided—
 - (a) as soon as is reasonably practicable after the relevant consent authority receives the application; but
 - (b) before the relevant consent authority decides under [section 95](#) of the Resource Management Act 1991 whether to notify the application.
- (4) A copy of a notice must be provided under subsection (1)(b) not later than 10 working days after the day on which the consent authority receives the notice.
- (5) The trustees may, by written notice to a relevant consent authority,—
 - (a) waive the right to be provided with a summary or copy of a notice under this section; and
 - (b) state the scope of that waiver and the period it applies for.
- (6) This section does not affect the obligation of a relevant consent authority to decide,—
 - (a) under [section 95](#) of the Resource Management Act 1991, whether to notify an application;
 - (b) under [section 95E](#) of that Act, whether the trustees are affected persons in relation to an activity.

35 Use of statutory acknowledgement

- (1) The trustees and any member of Te Kawerau ā Maki may, as evidence of the association of Te Kawerau ā Maki with a statutory area, cite the statutory acknowledgement that relates to that area in submissions concerning activities within, adjacent to, or directly affecting the statutory area that are made to or before—
 - (a) the relevant consent authorities; or
 - (b) the Environment Court; or
 - (c) Heritage New Zealand Pouhere Taonga; or
 - (d) the Environmental Protection Authority or a board of inquiry under [Part 6AA](#) of the Resource Management Act 1991.
- (2) The content of a statement of association is not, by virtue of the statutory acknowledgement, binding as fact on—
 - (a) the bodies referred to in subsection (1); or
 - (b) parties to proceedings before those bodies; or
 - (c) any other person who is entitled to participate in those proceedings.
- (3) However, the bodies and persons specified in subsection (2) may take the statutory acknowledgement into account.
- (4) To avoid doubt,—
 - (a) neither the trustees nor members of Te Kawerau ā Maki are precluded from stating that Te Kawerau ā Maki has an association with a statutory area that is not described in the statutory acknowledgement; and
 - (b) the content and existence of the statutory acknowledgement do not limit any statement made.

Attachment 7: Comments received from the Minister for Māori Development and Minister for Māori Crown Relations

Hon Tama Potaka Comment - Saved

Feedback · FTA - Feedback

Portals-Fast Track Portal - ftaa-portal

Submitted Portal Status

General

Documents

Related

Feedback Details

Feedback ID

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FDB001829M6M6

Title

*

Hon Tama Potaka Comment

Regarding

FTAA-2511-1136 Redvale Landfill Expansion

Comments

I support the application progressing to the Expert Panel for Substantive consideration.

Feedback Contacts

Created By (Contact)

Bria Kerei-Keepa

Source

Portal

Application

Redvale Landfill Expansion

Created By

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