

FTAA-2511-1136: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Redvale Landfill Expansion

Date submitted:	10 March 2026	Tracking #: BRF-00537	
Security level:	In-Confidence	MfE priority:	Urgent

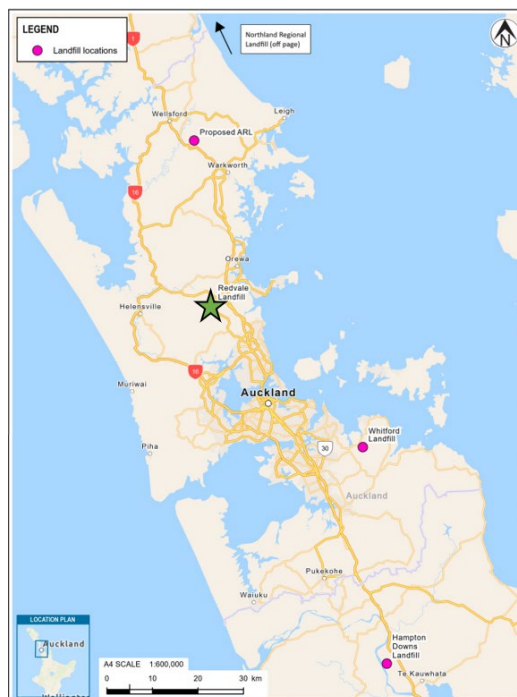
	Action sought:	Response by:
To Hon Chris Bishop, Minister for Infrastructure	Decision on recommendations	17 March 2026

Actions for Minister's Office staff	Return the signed briefing to: FTAreferrals@mfe.govt.nz. Approve the attached notice of decisions letter.
Number of appendices: 7	Appendices (refer to File Exchange link for appendices 2,3 & 5): 1. Statutory framework for making decisions 2. Application documents for Redvale Landfill Expansion 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations 5. Comments received from all parties the Minister invited to comment 6. Further information provided by the applicant post inviting comment 7. Draft Notice of Decisions

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Jess Hollis		
Manager	Stephanie Frame	s 9(2)(a)	✓
General Manager	Ilana Miller	s 9(2)(a)	

Project location



Above: Redvale Landfill, the subject of the project (illustrated with a green star), shown in context with other existing or proposed landfills across the Waikato and Auckland regions



Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Waste Management NZ Limited (the applicant) to refer the Redvale Landfill Expansion project (the project) to the fast-track approvals process.
2. A copy of the application is in Appendix 2. This is the second briefing on this application. The first (Stage 1) briefing (BRF-7248) with your initial decisions annotated is in Appendix 3.

3. The project is for the expansion and extension of the Redvale Landfill at 66 Landfill Access Road in Dairy Flat within the Auckland Region.
4. The project will include:
 - a. an extension to the time period waste can be accepted at the existing Redvale Landfill to 2036
 - b. an expansion of waste volume within the existing landfill footprint by approximately 3.1 million cubic metres
 - c. an extension to the existing landfill to accommodate approximately 1.4 million cubic metres for a Class 2¹ landfill
 - d. additional site modifications including movement of on-site ancillary facilities, infrastructure upgrades, and environmental management measures necessary to implement and maintain the proposed works.
5. The project will require resource consents under the Resource Management Act 1991 (RMA).
6. The applicant holds existing resource consents for the Redvale Landfill in Dairy Flat within the Auckland Region, with conditions requiring waste acceptance to cease on 31 December 2028. The applicant has been granted consents to establish the Auckland Regional Landfill (ARL), located approximately 13 kilometres north of Warkworth, as a permanent replacement for the Redvale Landfill. However, due to delays, including ongoing Environment Court and Court of Appeal processes, the applicant considers ARL is unlikely to be operational until the mid-2030s. Therefore, during the transition period the applicant proposes an extension to the existing Redvale Landfill to address the potential gap in landfill infrastructure in the Auckland Region.
7. Given the nature of the project, the potential public interest, and the broad range of engagement undertaken by the applicant to date, we consider there is a risk that referring the project could be viewed negatively by the wider community who may expect to be involved in a standard RMA consenting process. We consider this risk cannot be avoided. However, we note the project would have significant regional or national benefits by enabling the continued functioning of existing regionally significant infrastructure. The applicant's supporting analysis² also concludes that if the Redvale Landfill stops accepting waste after December 2028, the annual demand for landfill waste disposal from the Auckland area is likely to materially exceed the available annual consented capacity of the three remaining nearby landfills.
8. On balance, we recommend you **accept** the referral application as the project meets the criteria set out in section 22 and does not appear to involve an ineligible activity.
9. We seek your decisions on this recommendation and on the proposed directions to the panel and notification of your decisions.

¹ A Class 2 landfill, as defined in the *Technical Guidelines for Disposal to Land, Revision 3.1* (Waste Management Institute New Zealand, September 2023), is a site that accepts non-putrescible wastes including construction and demolition waste, managed fill material, controlled fill and clean fill material.

² NERA (2025). *Effect on landfill gate prices of Redvale closing before Auckland Regional Landfill opens*.

Assessment against statutory framework

10. The statutory framework for your decision-making is set out in Appendix 1. You must apply this framework when you are deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
11. Before accepting the project, you must consider the application (in Appendix 2), the Section 18 Treaty settlements and other obligations report (in Appendix 4), any comments and further information received from invited parties (in Appendix 5), further information provided by the applicant post inviting comment (in Appendix 6), any document that requires your consideration under section 16 of the Act, and comply with any procedural requirements under section 16.
12. Following that, you may accept the application if you are satisfied that it meets the criteria in section 22 of the Act and if there are no reasons you must decline the application. We provide our advice on these matters below.

Section 18 Treaty settlements and other obligations report

13. The Section 18 report identifies 17 relevant Māori groups under section 18(2) of the Act. No Māori groups responded to your invitation to comment on the referral application.
14. The Treaty settlements and other arrangements relevant to the project area are: 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 Waiohūa deed of settlement.
15. The Section 18 report notes 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 the holder of the statutory acknowledgement. The Section 18 report notes 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.
16. The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti supported project referral.
17. Of the 17 relevant Māori groups identified in the Section 18 report, we note that Ngāti Koheriki Claims Committee and Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership do not fall within the scope of persons or groups whom a panel must invite comments from on a substantive application for the project under section 53 of the Act. Ngāti Koheriki Claims Committee are identified in the Section 18 report as a group that has a recognised mandate to negotiate a Treaty settlement over an area which may include the project area (section 18(2)(d)), and Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership are identified as a Māori group with relevant interests (section 18(2)(k)). Therefore, if you decide to refer the project, we recommend you specify under section 27(3)(b)(iii) of the Act that a panel must invite comments from them.

18. The Section 18 report has not identified any matters which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Section 16 Effects of Treaty settlements and other obligations on decision-making

19. The Section 18 report does not identify any provisions in the Treaty settlements that would place any requirements on you or a panel under section 16 of the Act.

Comments received

20. Comments were received from Auckland Council (AC), the Minister for Economic Growth and the Minister of Climate Change. The key points of relevance to your decisions are summarised in Table A.
21. The key points from the comments are:
- a. AC did not oppose project referral and considered the project will have significant regional benefits. AC commented on increased community complaints and the applicant's compliance history, including enforcement action and ongoing investigations relating to operation of the Redvale Landfill, but did not consider these a reason to decline the referral application. AC provided comments from Auckland Transport who were neutral on project referral and from the Rodney Local Board, and a Rodney Ward Councillor, who opposed project referral. The Local Board noted a number of concerns, including strong community opposition, and requested if you refer the project you require strict monitoring and independent expert assessment, and that a number of additional parties be invited to comment. We discuss the above matters further in paragraphs 26 to 33 of this briefing.
 - b. AC also attached comments opposing the project from an entity with land and commercial interest in the surrounding area. We refer to these comments in Table A but consider they are unsolicited and that you are not required to consider them when making your decisions on the referral application for the project
 - c. the Minister for Economic Growth considered the project is unlikely to have a direct contribution to GDP or economic growth and that the primary benefit of the project is to provide certainty to households and businesses for essential waste services and to avoid increased charge prices if waste is diverted to new facilities. The Minister also noted the project will avoid increased transportation costs and potential congestion in Auckland roads, which may disrupt supply chains and reduce productivity
 - d. the Minister of Climate Change considered the project may have significant regional benefits in terms of climate mitigation.

Further information provided by the applicant, relevant local authorities, relevant administering agencies

22. You did not request any further information from the applicant, relevant local authority or relevant administering agency³ under section 20 of the Act.

³ For your stage 1 decisions on the referral application for this project, the chief executive of the Ministry for the Environment was a relevant 'administering agency' and you therefore invited comment from the Ministry for the Environment as required under section 17(1) of the Act in force at that time. Subsequently, the definition of 'administering agency' was amended on 17 December 2025, by the Fast-track Approvals Amendment Act 2025, to exclude the chief executive of the

23. Following the Stage 1 briefing, the applicant provided confirmation that it had reviewed all instruments registered on the relevant records of title for land within the project area, and that no other approvals are required for the project to proceed.

Reasons to decline

24. The statutory framework in Appendix 1 sets out the situations where you must decline the application for referral under section 21(3). We do not consider you must decline this application.
25. You may also decline the application for any other reason under section 21(4). The Act gives some guidance on matters you could consider when deciding whether to decline an application and these are set out and discussed in Table A.
26. Relevant to section 21(5)(b) of the Act, and whether it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts, we note comments received from AC and the Rodney Local Board that there has been increased community complaints about the existing landfill and strong community opposition to the project. We are also aware of several media articles regarding opposition to the project, particularly from the Dairy Flat School.
27. Given the nature of the project, the potential public interest, and the broad range of engagement undertaken by the applicant to date, we have considered whether it would be more appropriate for the project to be considered under standard RMA consenting processes which may enable broader public input than under the fast-track process. We consider it is likely that some members of the public will consider the project should be subject to the full scrutiny and public consultation provided for by the RMA, and referring the project could be viewed negatively by the wider community who may expect to be involved in a standard RMA consenting process. We consider this risk cannot be avoided.
28. We note the Rodney Local Board requested that if you refer the project you require a number of additional parties be invited to comment. If you decide to refer the project, a panel must invite comments from adjacent landowners and occupiers under clauses 53(2)(h) and 53(2)(i) of the Act, and a panel can also invite comments from any persons or groups they consider appropriate (clause 53(3) of the Act). We consider a panel will be best placed to consider who to invite comments from with the benefit of a complete substantive application, and therefore, with the exception of the relevant Māori groups identified at paragraph 17 of this briefing, we do not recommend you direct a panel to invite comment from any specific additional persons or groups.
29. Despite the project's potential for high public interest, we note that AC, and the Ministers who provided comment, did not oppose project referral. We also note that no Māori groups responded to your invitation to comment. We note the project would have significant regional or national benefits by enabling the continued functioning of existing regionally significant infrastructure. The applicant's supporting analysis also concludes that if the Redvale Landfill stops accepting waste after December 2028, the annual demand for landfill waste disposal from the Auckland area is likely to materially exceed the available annual consented capacity of the three remaining nearby landfills. On balance, we therefore do not consider that you should decline the referral application on the basis that it would be more appropriate to deal

department responsible for the administration of the Resource Management Act 1991. Therefore, the chief executive of the Ministry for the Environment is no longer considered a relevant 'administering agency' for this referral application.

with the matters that would be authorised by the proposed approvals under another Act or Acts.

30. Relevant to section 21(5)(c) and the project's potential to have significant adverse effects on the environment, the applicant identified the project has the potential for adverse environmental effects but considered all effects can be appropriately mitigated. The Rodney Local Board raised concerns regarding unmitigated effects of the existing Redvale Landfill, including odour, noise, dust, heavy vehicle movements, pests and leachate. We consider there is the potential for the project, particularly in close proximity to sensitive receivers, to have adverse environmental effects. However, we consider a panel will be best placed to assess the project's effects, with the benefit of a complete substantive application. Therefore, we do not consider you should decline the referral application on the basis the project may have significant adverse effects on the environment.
31. Relevant to section 21(5)(d) and the applicant's compliance history, the applicant has provided details of its compliance and enforcement history which includes warnings, abatement and infringement notices from AC at the Redvale Landfill; an infringement notice from Otago Regional Council relating to a separate landfill; and abatement and infringement notices from Waikato Regional Council relating to another landfill and energy park. The applicant did not identify any escalated enforcement action taken against it, including enforcement orders or prosecutions.
32. AC provided details of the applicant's compliance history, including enforcement action taken and ongoing investigations relating to operation of the Redvale Landfill, and noted ongoing community concerns have been expressed regarding pest control, odour, health impacts, air quality, traffic, noise, dust and potential effects on Dairy Flat Primary school. However, AC noted that monitoring reported by the applicant does not substantiate these concerns.
33. While the applicant has a history of compliance matters, both at the Redvale Landfill and other sites, it appears that corrective actions have been taken by the applicant as required and no matters have escalated to prosecution or other court action. We therefore do not consider you should decline the referral application on the basis the applicant has a poor compliance history.
34. We do not consider you should decline the project on the basis of the above matters or for any other reason.

Reasons to accept

35. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
36. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, as:
 - a. it is a development or infrastructure project to expand and extend the Redvale Landfill
 - b. it would have significant regional or national benefits because it will enable the continued functioning of existing regionally significant infrastructure
 - c. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited

- d. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is an expansion and extension of an existing activity, and is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the RMA.

37. If you disagree, you must decline the referral application under section 21(3)(a) of the Act.

Conclusions

38. We consider the project meets the section 22 criteria and you could accept the application under section 21 of the Act and refer the whole project to the fast-track approvals process with the specifications outlined below.

39. As discussed in paragraph 17 of this briefing, we consider that if you decide to refer the project, you should specify under section 27 of the Act the following persons or groups from whom a panel must invite comments from in addition to those specified in section 53:

- a. Ngāti Koheriki Claims Committee
- b. Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership.

Next steps

40. The Ministry for the Environment (the Ministry) must give notice of your decisions on the referral application, and the reasons for them, to the applicant and anyone invited to comment under section 17 and publish the notice on the Fast-track website.

41. If you decide to refer the project, the Ministry must also give notice of your decision to:

- a. the panel convener
- b. any additional iwi authorities or Treaty settlement entities that you consider have an interest in the matter other than those invited to comment under section 17
- c. the Environmental Protection Authority (EPA)
- d. the relevant administering agencies.

42. You must also provide all of the information you received that relates to this application to the EPA and the panel convener, including:

- a. the referral application
- b. any comments received under section 17
- c. the report obtained under section 18.

43. We will undertake this action on your behalf.

44. We have attached a notice of decisions letter to the applicant based on our recommendations (refer Appendix 7) and we will provide it to all relevant parties. We will provide you with an amended letter if required.

45. Our recommendations for your decisions follow.

Recommendations

46. We recommend that you:

- a. **Note** section 21(3) of the Fast-track Approvals Act 2024 (the Act) requires you to decline the referral application from Waste Management NZ Limited (the applicant) if you are satisfied that the Redvale Landfill Expansion project (the project) involves an ineligible activity, or you consider that you do not have adequate information to inform the decision under this section, or if you are not satisfied that the project meets the referral criteria in section 22 of the Act.

Noted

- b. **Agree** that before deciding on the application for project referral under section 21(1) of the Act you have considered:

- i. the application in Appendix 2
- ii. the report obtained under section 18 in Appendix 4
- iii. any comments and further information sought under sections 17 and 20 and provided within the required timeframe in Appendix 5.

Yes / No

- c. **Agree** you are satisfied the project will meet the referral criteria in section 22 of the Act as:

- i. it is a development or infrastructure project that would have significant regional or national benefits because it will enable the continued functioning of existing regionally significant infrastructure
- ii. referring the project to the fast-track approvals process would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because public and limited notification is precluded and appeal rights are limited
- iii. referring the project to the fast-track approvals process is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is an expansion and extension of an existing activity, and is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the Resource Management Act 1991.

Yes / No

- d. **Agree** there is no reason the project must be declined under section 21(3).

Yes / No

- e. **Agree** to accept the referral application under section 21(1) and refer all of the project to the fast-track approvals process under section 26(2).

Yes / No

- f. **Agree** to specify Waste Management NZ Limited as the person who is authorised to lodge a substantive application for the project.

Yes / No

- g. **Agree** to specify under section 27(3)(b)(i) of the Act, a deadline of two years for lodging the substantive application for the project.

Yes / No

- h. **Agree** to specify under section 27(3)(b)(iii) of the Act:

- i. the following persons or groups from whom a panel must invite comments in addition to those specified in section 53 of the Act:

(1) Ngāti Koheriki Claims Committee

(2) Tūpuna Taonga o Tāmaki Makaurau Trust/ Whenua Haumi Roroa o Tāmaki Makaurau Limited Partnership.

Yes / No

- i. **Agree** that the Ministry for the Environment will provide your notice of decisions to:

- i. anyone invited to comment on the application including local authorities and relevant Māori groups

ii. the panel convener

iii. the Environmental Protection Authority (EPA).

Yes / No

- j. **Approve** the draft notice of decisions letter to the applicant (attached in Appendix 7).

Yes / No

Signatures

Stephanie Frame
Manager – Fast-track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	<u>Accept</u> the referral application and refer the project to the fast-track approvals process		
Project details	Project Name	Applicants	Project Location
	Redvale Landfill Expansion	Waste Management NZ Limited c/- Tonkin & Taylor Limited The applicant is registered as a New Zealand Limited Company and is eligible to apply.	The project area is located at 66 Landfill Access Road in Dairy Flat within the Auckland Region and covers approximately 168 hectares, with 59 hectares currently used for landfilling. The project area is legally described as: • Lot 1 Deposited Plan 322777 (RT 90886) • Lot 1 Deposited Plan 353568 (RT 218904) • Lot 1 Deposited Plan 125471 and Lot 2 Deposited Plan 353568 (RT 218905) • Lot 1 Deposited Plan 446482 (RT 562514) • Lot 2 Deposited Plan 446482 and Lot 1 Deposited Plan 155355 (RT 562515) • Lot 1 Deposited Plan 117463 and Lot 2 Deposited Plan 452672 (RT 578978) • Section 1 Survey Office Plan 68946 (RT NA118B/596)
Project description	The project is for the expansion and extension of the existing Redvale Landfill at 66 Landfill Access Road in Dairy Flat within the Auckland Region. The project includes: - an increase in waste accepted at the existing Redvale Landfill to 2036 - an expansion of waste volume within the existing landfill footprint by approximately 3.1 million cubic metres - an extension to the existing landfill to accommodate approximately 1.4 million cubic metres for a Class 2 landfill - additional site modifications including movement of on-site ancillary facilities, infrastructure upgrades, and environmental management measures necessary to implement and maintain the proposed works. The applicant seeks resource consents under the Resource Management Act 1991 (RMA) for the project.		
Minister invites comments / requests information	Summary of comments from invited parties		
	Local authorities <u>Auckland Council (AC)</u> AC did not oppose project referral and considered the project will have significant regional benefits. AC noted the following: • the project will enable the continued functioning of existing regionally significant infrastructure, deliver significant economic benefits, address significant environmental issues and will be consistent with local and regional planning documents • the project appears to be consistent with the objectives and policies of the National Policy Statement for Infrastructure • regarding the applicant's compliance history: ○ the applicant has received several formal actions for breach of consent conditions at the existing landfill including an abatement notice for odour in 2010, infringement notices for odour in 2013 and 2016, formal warnings relating to discharge, notification requirements and vehicle tracking in 2015 and 2020, and an abatement notice for breaching leachate levels in 2021 ○ since mid-late 2022 the leachate levels at the landfill have been in breach of consent conditions and a section 127 variation has been lodged with AC to review the leachate level limits ○ there are historic non-compliances with vehicle movements and an active investigation into non-compliance with groundwater monitoring requirements that is considered low risk of actual or potential environmental effects ○ there has been a sharp increase in community complaints about odour nuisance over the last 12-24 months, however only one occasion of verified odour by an AC enforcement officer. Ongoing community concerns have been expressed regarding pest control, odour, health impacts (including on drinking water), air quality/contamination, traffic, noise, dust and effects on Dairy Flat Primary school. However, monitoring reported by the applicant to AC does not substantiate these concerns ○ AC are undertaking additional independent environmental sampling and investigations in the community surrounding the landfill due to allegations of human health implications caused from discharges from the landfill. Until data has been collected, no further compliance comment can be made regarding this. AC also provided comments from other AC-related entities including: • Auckland Transport (AT) were neutral on project referral but noted it is unclear whether the fast-track process is more appropriate than a standard RMA process, and that a standard RMA process would be more robust and likely provide for improved environmental outcomes. AT considered an Integrated Transport Assessment is necessary to fully understand any potential adverse effects • the Rodney Local Board, and a Rodney Ward Councillor, opposed project referral due to unmitigated effects and the inability to comply with the Auckland Unitary Plan (AUP). Key concerns included odour, noise, dust, heavy vehicle movements, pests, AC's lack of expertise to monitor consent conditions and the applicant's non-compliance with leachate conditions. The Local Board also considered extending the Redvale Landfill will		

	be at odds with the previous Environment Court decision for an extension only to 2028 to facilitate the landfill closure. The Local Board noted a high number of complaints about existing landfill operations and strong community opposition to the project. The Local Board requested that if you refer the project, you require strict monitoring and assessment by independent experts, and the following parties be invited to comment: all residents within a 2 kilometre radius of the landfill; Dairy Flat School and parents; the Redvale Environmental Protection Society; the Auckland Surf Park; and covenanted property owners within the notional boundary of the landfill. AC also attached a copy of comments it had received from AWH Limited, in partnership with Aventuur Inc, raising concerns regarding the impacts of the project on the consented Auckland Surf Park Community project⁴ proposed to be located approximately 1 kilometre from the Redvale Landfill. You did not invite comments directly from AWH Limited or Aventuur Inc, and neither of these companies are part of or related to AC. Therefore, we consider these comments are unsolicited and you are not required to consider them when making your decisions on the referral application for the project. In response to our section 17(3)(a) competing applications check, AC advised it is not aware of any competing application or applications. In response to 17(3)(b) existing resource consents, AC advised it is not aware of any existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply. Ministers <u>Minister for Economic Growth</u> The Minister for Economic Growth noted the project is unlikely to have a direct contribution to GDP or economic growth and the primary benefit of the project is to provide certainty to households and businesses for essential waste services and avoid increased charge prices if waste is diverted to new facilities. The Minister also noted the project will avoid increased transportation costs and potential congestion in Auckland roads, which may disrupt supply chains and reduce productivity. <u>Minister of Climate Change</u> The Minister of Climate Change considered the project may have significant regional benefits in terms of climate mitigation.
	Further information from applicant, relevant local authorities, relevant administering agencies The applicant Following the Stage 1 briefing, the applicant provided confirmation that it had reviewed all instruments registered on the relevant records of title for land within the project area, and that no other approvals are required for the project to proceed.
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	Based on the information in the application, we consider you can be satisfied the project does not involve an ineligible activity because it: • would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title • would not occur in a customary marine title area or protected customary rights area as it is not in the common marine and coastal area • is not an aquaculture activity or activity that is incompatible with aquaculture activities that would occur in an aquaculture settlement area and for which the applicant is not authorised to apply for a coastal permit because it will not occur in the common marine and coastal area or an aquaculture settlement area • would not require an access arrangement which cannot be granted under the Crown Minerals Act (including s61(1A)) because it does not include an access arrangement • would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the common marine and coastal area • would not occur on Schedule 4 land as confirmed by the records of title • would not occur on a national reserve as confirmed by the records of title • would not occur on a reserve held under the Reserves Act 1977 that is managed by or vested in someone other than the Crown or a local authority and that person has not consented in writing as confirmed by the records of title • is not a prohibited activity or decommissioning activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, or a prohibited activity under s15B or s15C of the RMA and no such activities are proposed • is not for the purpose of an offshore renewable energy project. No comments raised by parties invited to comment have indicated that the project would be ineligible for referral.
The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]	We consider that you have adequate information to inform the referral decision.

⁴ The [Auckland Surf Park Community project](#) was granted resource consents by an expert consenting panel on 25 June 2024 under the COVID-19 Recovery (Fast-Track Consenting) Act 2020. You decided to refer the [Auckland Surf Park Community – Stage 2 project](#) to the fast-track process under the Fast-track Approvals Act 2024 on 24 June 2025. A substantive application for Stage 2 has not yet been lodged.

Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]	You <u>must</u> consider a relevant Government Policy Statement (GPS) [s22(1A)]. The only current relevant GPS is the Government Policy Statement on Grocery Competition. This is not relevant to your decisions on this project. You <u>may</u> consider any of the following matters, or any other matters you consider relevant. <i>Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]</i> The applicant considers that municipal landfills are essential infrastructure in New Zealand, providing safe management and disposal of waste that cannot be reused or recycled. The applicant notes this status is recognised by several councils, including AC, which defines municipal landfills as infrastructure in its planning documents. The applicant states Auckland Region currently relies on three Class 1 landfills, being Redvale, Whitford, and Hampton Downs, with limited additional capacity at Puwera Landfill in Northland. The applicant's supporting economic analysis concludes that if the Redvale Landfill stops accepting waste after December 2028 (as required under current consents), the annual demand for landfill waste disposal from the Auckland area is likely to materially exceed the available annual consented capacity of the three remaining nearby landfills at Puwera, Whitford and Hampton Downs. The applicant considers the project would also support nationally significant development and infrastructure projects, including transport networks, marine and port facilities, and electricity transmission, by providing disposal options for waste generated during construction and operation. The applicant notes that commercial waste, including construction and demolition waste, increased by approximately 0.5 million tonnes between 2010 and 2016, accounting for around 80% of all waste sent to landfill. Large infrastructure projects contribute significantly to this stream, with some materials requiring disposal at landfills like Redvale. The applicant considers the project would address anticipated shortfalls, support Auckland's projected population growth to two million by 2030, and reduce risks such as illegal dumping and associated environmental impacts. AC did not oppose project referral and noted that municipal landfills are defined as infrastructure under the AUP, and the project will enable the continued functioning of existing regionally significant infrastructure. The Minister for Economic Growth considered the primary benefit of the project is to provide certainty to households and businesses for essential waste services and avoid increased charge prices if waste is diverted to new facilities. We consider these benefits relate directly to enabling the continued functioning of the landfill. We consider <u>you should refer the project on this criterion.</u> <i>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]</i> The applicant states the project will continue to facilitate energy recovery. The applicant details this involves using gas from the landfill, which is approximately 50% methane gas, to fuel several renewable energy initiatives. These include electricity generation and providing a source of heating and carbon dioxide to a neighbouring Aubergine greenhouse complex. As the landfill is progressively filled, the applicant notes the generation of landfill gas will continue to increase. Redvale has a Landfill Gas Energy Plant with 15 existing generators, which utilise the landfill gas extracted from the landfill to generate electricity and feed it back to the grid. The applicant estimates each generator can power up to 1,000 homes. The applicant states in 2019, Redvale's energy generation had the capacity to power 14,000 homes on the local grid, making it Auckland's largest renewable energy source. The applicant estimates that the landfill could power up to 18,000 homes. The applicant considers the project, with its renewable energy generation capabilities, directly supports electricity supply to Aucklanders, thereby contributing to housing needs and ensuring a well-functioning and resilient urban environment, consistent with the outcomes sought by policy 1 of the National Policy Statement on Urban Development 2020. In this way, the applicant considers the project will contribute to a well-functioning environment through its provision of essential waste infrastructure and renewable energy generation that supports housing development, population growth and access to services necessary for communities' social, economic and cultural wellbeing, in line with this criterion. We note the project does not involve the provision of housing and no parties invited to comment have identified benefits relating to this criterion. Therefore, we <u>do not consider you should refer the project on this criterion.</u> <i>Will deliver significant economic benefits [s22(2)(a)(iv)]</i> The applicant states the project will deliver significant regional and national economic benefits by maintaining stability in Auckland's waste management infrastructure. The applicant considers that continuing operations at Redvale will avoid substantial adverse impacts that would occur if the site closed before the proposed Auckland Regional Landfill (ARL) becomes operational. Specifically, the applicant considers the project would prevent increases in landfill gate prices and market disruption, which could otherwise impose costs of approximately \$42.6 million per year on waste disposal services. The applicant also considers the project would avoid a major waste capacity shortfall and ensures cost certainty for residents and businesses. The applicant notes that even with additional capacity at the existing Hampton Downs Landfill, closure of Redvale would lead to reduced competition and increased market concentration, resulting in price rises of at least 10–15%. They further state that the project maintains the most cost-effective waste transport logistics, avoiding diversions that could add over \$21 million annually in transport costs and cause congestion-related productivity losses. Overall, the applicant considers the project supports economic stability by preventing multi-million-dollar annual increases in disposal and transport costs, maintaining competition, and delivering benefits to Auckland and neighbouring regions. The Minister for Economic Growth noted the project is unlikely to have a direct contribution to GDP or economic growth, while AC stated the project will deliver significant economic benefits but did not expand on this. We acknowledge the applicant's supporting information that the project may avoid landfill gate price increases, market disruption and a potential increase in road congestion. However, the information is primarily concerned with the comparative costs of diverting waste elsewhere. Therefore, based on the information provided by the applicant, we <u>do not consider you should refer the project on this criterion.</u> <i>Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]</i> The applicant considers converting methane gas into energy will contribute to the reduction of greenhouse gas emissions and supports climate change mitigation and adaptation. On average, the applicant notes it extracts approximately 36 million cubic metres of methane from the landfill per annum, converting this into clean, green energy, which contributes to the reduction of greenhouse gas emissions and supports climate change mitigation and adaptation. The Minister of Climate Change considered the project may have significant regional benefits in terms of climate mitigation. As the methane gas being extracted is that which is being produced by the operation of the landfill, it is unclear if there will be a net reduction in greenhouse gas emissions. Therefore, we <u>do not consider you should refer the project on this criterion.</u>

	<i>Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]</i> The applicant emphasises the critical role of landfills in supporting natural hazard and disaster recovery. They note that material and debris generated by events such as the Auckland Anniversary Floods in 2023 must be disposed of, as it cannot be reused. The applicant further highlights that this response must be rapid and adaptive, requiring landfills to maintain sufficient capacity to manage such material at short notice, given that these events cannot be planned for in advance. Ensuring this capacity within Auckland – an outcome of the proposed project – is considered essential for national and regional resilience, aligning with this criterion. We acknowledge that landfills may provide infrastructure to support recovery from events caused by natural hazards, however limited information has been provided by the applicant relating to this and it is unclear if the expansion of the landfill is necessary to provide capacity for natural disaster recovery, or if this capacity will continue to be maintained/available irrespective of the project. Further, no parties invited to comment have identified benefits relating to this. Therefore, we <u>do not consider you should refer the project on this criterion</u>. <i>Will address significant environmental issues [s22(2)(a)(ix)]</i> In response to the assessment of this criterion, the applicant states the environmental issues of the project have been assessed within the technical assessments included in Appendix I to Appendix Q of the application. These technical assessments cover the following matters: air quality, geotechnical, hydrogeology, stormwater and industrial trade activities, landscape and visual, noise, traffic, aviation safety, and ecology, and are concerned with the potential environmental effects of the project, rather than environmental issues that may be addressed by the project. We <u>do not consider you should refer the project on this criterion</u>. <i>Will be consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i> The applicant considers the project is consistent with the following local and regional planning documents: various chapters of the Auckland Regional Policy Statement; specific chapters of the AUP (being H19 Rural zones, and E25 Noise and vibration); and Plan Change 120 to the AUP. The applicant has provided an assessment of these local and regional planning documents in section 3.4 of their referral report. AC considered the project will be consistent with local and regional planning documents, however the specific information provided was limited to an assessment against the infrastructure section of the Auckland Regional Policy Statement. We do not consider you have sufficient information to conclude that the project will be consistent with local or regional planning documents, and therefore we <u>do not consider you should refer the project on this criterion</u>.
Referring the project to the fast-track approvals process [section 22(1)(b)]	<i>Would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes [s22(1)(b)(i)]</i> The applicant considers referring the project to the fast-track approvals process would facilitate the project, in line with this criterion. The applicant seeks consideration of the project through the fast-track approvals process due to critical time constraints. The applicant notes that the existing operation at Redvale Landfill must cease accepting waste by 31 December 2028, and there is a gap before the proposed ARL becomes operational, which may not occur until the mid-2030s. The applicant notes the consenting process for ARL has taken significantly longer than anticipated. While the original consents were lodged with AC in 2019 and the consents granted in 2021, the applicant notes ARL is still subject to Environment Court and Court of Appeal appeal processes. To ensure that another waste facility is available to address any shortcomings during this transition period, the applicant states it is imperative to obtain approvals for the current project in a timely manner. Additionally, the applicant notes receiving an approval prior to the closure of Redvale Landfill will ensure that ancillary activities and infrastructure can remain in place and operational beyond 2028. Given similar consenting processes have taken five or more years – exceeding the available timeframe – the applicant considers the fast-track approvals process to be the most appropriate way forward for the project. We agree with the applicant that the use of the fast-track process would facilitate the project in a more timely and cost-effective manner than under conventional RMA pathways, primarily because public and limited notification is precluded and appeal rights are limited. <i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> The applicant considers referring the project to the fast-track approvals process is unlikely to materially affect its efficient operation. The applicant notes that relevant experts have assessed the proposal and, with proposed mitigation measures, have identified no specific concerns. The applicant states that extensive consultation has occurred, including with relevant Māori groups, with feedback reviewed and preliminary mitigation measures proposed. The applicant also notes they have engaged a team of lawyers, planners, and technical specialists to prepare the substantive application for prompt lodgement, if the referral is accepted. We agree the project is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is an expansion and extension of an existing activity, and is neither novel in the New Zealand context nor beyond the scope of what a panel would assess under the RMA.
Reasons to decline	
Minister <u>must</u> decline [section 21(3)]	<i>The Minister <u>must</u> decline a referral application if:</i> <i>The application may not be accepted under subsection 1 (meets referral criteria)</i> We consider the project meets the referral criteria. <i>The Minister is satisfied the project involves an ineligible activity</i> We do not consider the project includes an ineligible activity. <i>The Minister considers that they do not have adequate information to inform the decision under this section</i> We consider you have adequate information to inform your decision. We <u>do not consider that you must decline the application under this section</u>.

Minister may decline [section 21(4) and 21(5)(a-h)]

You may decline a referral application for any other reason, whether or not it meets the criteria in section 22.

Reasons to decline a referral application under subsection 4 include, without limitation:

The project would be inconsistent with a Treaty settlement, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, Marine and Coastal Area (Takutai Moana) Act 2011, a Mana Whakahono ā Rohe, or a joint management agreement

No inconsistencies have been identified within the Section 18 Treaty settlements report.

It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts

The Section 18 Treaty settlements report does not state it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.

AC did not oppose project referral but noted ongoing community concerns regarding the effects of the existing Redvale Landfill and a sharp increase in odour complaints over the last 12-24 months. AC also provided opposition comments from the Rodney Local Board who noted a high number of complaints about existing operations and strong community opposition to the project. We are also aware of several media articles regarding opposition to the project, particularly from the Dairy Flat School.

Given the nature of the project, the potential public interest, and the broad range of stakeholder and community engagement undertaken by the applicant to date, we have considered whether it would be more appropriate for the project to be considered under standard RMA consenting processes which may enable broader public input than under the fast-track process. We consider it is likely that some members of the public will consider the project should be subject to the full scrutiny and public consultation provided for by the RMA and referring the project could be viewed negatively by the wider community who may expect to be involved in a standard RMA consenting process. We consider this risk cannot be avoided.

We note the Rodney Local Board requested that if you refer the project you require a number of parties be invited to comment, including all residents within a 2-kilometre radius of the landfill; Dairy Flat School and parents; the Redvale Environmental Protection Society; the Auckland Surf Park; and covenanted property owners within the notional boundary of the landfill. If you decide to refer the project, a panel must invite comments from adjacent landowners and occupiers under clauses 53(2)(h) and 53(2)(i) of the Act, and a panel also can invite comments from any persons or groups they consider appropriate (clause 53(3) of the Act). We consider a panel will be best placed to consider who to invite comments from with the benefit of a complete substantive application, and therefore, with the exception of the relevant Māori groups identified at paragraph 17 of this briefing, we do not recommend you direct a panel to invite comment from specific persons or groups.

Despite the project's potential for high public interest, we note that AC, and the Ministers who provided comment, did not oppose project referral. We also note that no Māori groups responded to your invitation to comment. We note the project would have significant regional or national benefits by enabling the continued functioning of existing regionally significant infrastructure. The applicant's supporting analysis also concludes that if the Redvale Landfill stops accepting waste after December 2028, the annual demand for landfill waste disposal from the Auckland area is likely to materially exceed the available annual consented capacity of the three remaining nearby landfills. On balance, we therefore do not consider that you should decline the referral application on the basis that it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts.

The project may have significant adverse effects on the environment

The applicant identified the project has the potential for adverse environmental effects, including effects on air quality, geotechnical and hydrogeology effects, landscape and visual effects, noise, transport related effects, and ecological effects. The applicant provided preliminary technical assessments covering some of these matters and noted all effects are anticipated to be appropriately mitigated.

AC provided comments from the Rodney Local Board who opposed project referral and raised concerns regarding unmitigated effects, including odour, noise, dust, heavy vehicle movements, pests and leachate. We consider there is the potential for the project, particularly in close proximity to sensitive receivers, to have adverse environmental effects. However, we consider a panel will be best placed to assess the project's effects, with the benefit of a complete substantive application. Therefore, we do not consider you should decline the referral application on the basis the project may have significant adverse effects on the environment.

The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals

The applicant has provided details of its compliance and enforcement history which includes warnings, abatement and infringement notices from AC at the Redvale Landfill; an infringement notice from Otago Regional Council relating to a separate landfill; and abatement and infringement notices from Waikato Regional Council relating to another landfill and energy park. The applicant did not identify any escalated enforcement action taken against it, including enforcement orders or prosecutions.

AC provided details of the applicant's compliance history, including enforcement action taken and ongoing investigations relating to operation of the Redvale Landfill. AC did not advise of any past or current prosecutions and did not consider the applicant's compliance history as a reason to decline the referral application. AC noted there has been a sharp increase in community complaints about odour nuisance over the last 12-24 months, however only one occasion of verified odour by an AC enforcement officer. AC also noted ongoing community concerns have been expressed regarding pest control, odour, health impacts (including on drinking water), air quality/contamination, traffic, noise, dust and effects on Dairy Flat Primary school, however monitoring reported by the applicant to AC does not substantiate these concerns.

Whilst the applicant has a history of compliance matters, both at the Redvale Landfill and other sites, it appears that corrective actions have been taken by the applicant as required and no matters have escalated to prosecution or other court action. We therefore do not consider you should decline the referral application on the basis the applicant has a poor compliance history.

The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes

No such land has been identified.

The project includes an activity that is a prohibited activity under the Resource Management Act 1991

Neither the applicant nor AC have identified any prohibited activities for the project under the RMA.

A substantive application for the project would have one or more competing applications

No competing applications have been identified at this stage; however, we note the Environmental Protection Authority (EPA) is required to re-check this following the lodgement of a substantive application.

	<i>In relation to any proposed approval of the kind described in section 42(4)(a) (resource consents), there are one or more existing resource consents of the kind referred to in section 30(3)(a)</i> No such resource consents have been identified, including by the applicant or AC. <i>Any other matter</i> There are no other reasons to decline the referral application. We <u>do not consider you should decline the referral application.</u>
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Appendix 1: Statutory framework summary

1. You are the sole decision maker for referral applications. If you accept a referral application, then the whole or part of the project will be referred to the fast-track approvals process.
2. If a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, a Mana Whakahono ā Rohe or a joint management agreement provides for consideration of any document or procedural requirements, you must, where relevant:
 - a. give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - b. comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - a. you are satisfied the project does not meet the referral criteria in s22
 - b. you are satisfied the project involves an ineligible activity (s5)
 - c. you consider you do not have adequate information to inform your decision.
4. You may decline an application for any other reason, including those set out in s21(5) and even if the application meets the s22 referral criteria.
5. You can decline an application before or after inviting comments under s17(1). However, if comments have been sought and provided within the required time frame, you must consider them, along with the referral application, before deciding to decline the application.
6. If you do not decline a referral application at the initial stage you must copy the application to, and invite written comments from:
 - a. the relevant local authorities,
 - b. the Minister for the Environment and relevant portfolio Ministers
 - c. the relevant administering agencies
 - d. the Māori groups identified by the responsible agency
 - e. the owners of Māori land in the project area (if applicable)
 - f. you may provide the application to and invite comments from any other person.
7. You can request further information from an applicant, any relevant local authority or any relevant administering agency at any time before you decide to decline or accept a referral application (see section 20 of the Act).
8. However, if further information has been sought and provided within the required time frame you must consider it, along with the referral application, before deciding to decline the application.