



FTAA-2602-1169: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Drury Managed Fill

Date submitted:	21 May 2026	Tracking #: 26-BRF-01164	
Security level:	In-Confidence	MfE priority:	Urgent
To Hon Chris Bishop, Minister for Infrastructure		Action sought: Decision on recommendations	Response by: 28 May 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: <ol style="list-style-type: none">1. Statutory framework for making decisions2. Application documents for the Drury Managed Fill project3. Stage 1 Briefing Note and decisions4. Section 18 Report on Treaty settlements and other obligations5. Comments received from invited parties, including the further information received from Auckland Council6. Further information received from the applicant7. Draft Notice of Decisions

Ministry for the Environment contacts

Position	Name	Cell phone	1 st contact
Principal Author	Rebecca Burton		
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General Manager	Ilana Miller	s 9(2)(a)	

Project Location

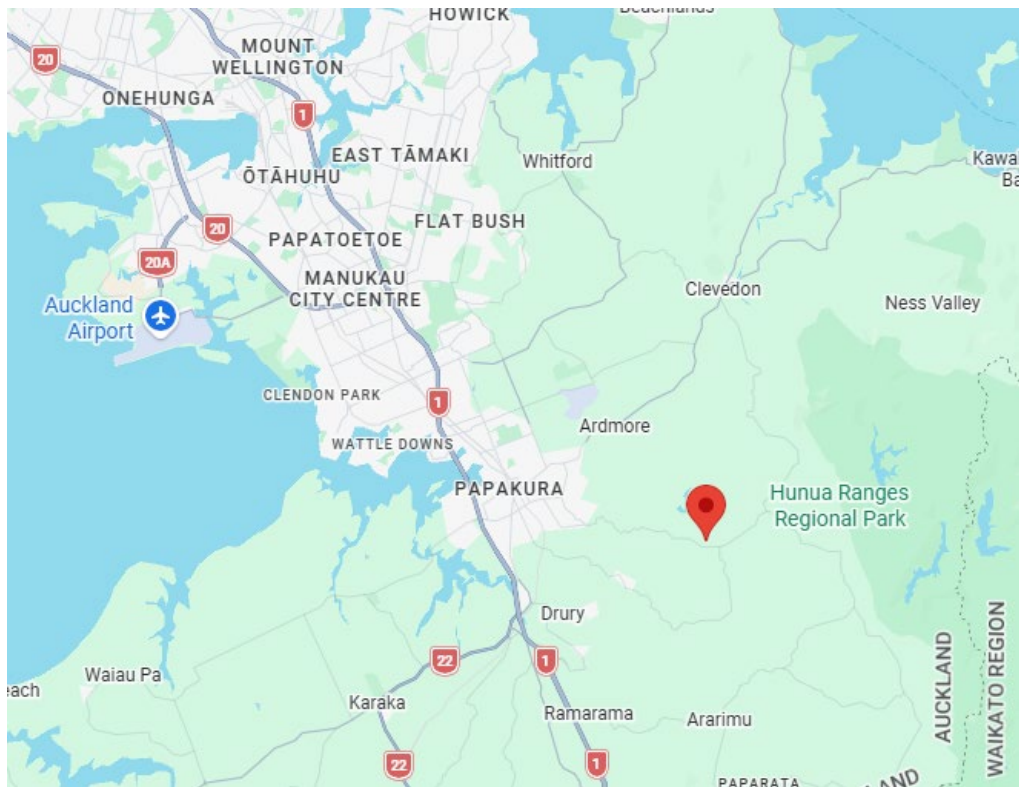


Image 1: General location of project (as depicted by the red marker)

Key messages

1. This briefing seeks your decisions under section 21 of the Fast-track Approvals Act 2024 (the Act) on the application from Scarbro Environmental Limited (the applicant) to refer the Drury Managed Fill (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 briefing (Stage 1 – 26-BRF-00458) with your initial decisions annotated is in Appendix 3.
3. The project is to establish and operate a new managed fill facility, at 362 Jones Road, Drury, Auckland.
4. The project comprises two separate areas of 9 hectares (ha) and 2 ha (including associated drains and sediment ponds) on the northern and southern sides of the site with corresponding estimated fill volumes of 720,000 cubic metres (m³) and 70,000m³, giving a combined fill volume of 790,000m³. The fill will operate for a period of 10 years. At the completion of the project the site will be grassed and returned to rural production use.
5. The applicant seeks resource consents under the Resource Management Act 1991 (RMA), as described in section 42(4)(a) of the Act.
6. We consider you must decline the referral application under section 21 of the Act because we consider the project does not meet the assessment criteria under section 22 of the Act. We consider you may also decline the referral application because the project may have significant adverse effects on the environment. We seek your decision on this recommendation.

Assessment against statutory framework

7. The statutory framework for your decision-making is set out in Appendix 1. This appendix provides a summary of the key matters in the Act relevant to your decision, but does not replace the full provisions of the Act. You must apply the statutory framework when deciding whether to accept or decline the referral application and when deciding on any further requirements or directions associated with referral of the project.
8. We have considered if there are any reasons for declining the project and provide our advice on these matters below.
9. You must decline the referral application if you are satisfied the project does not meet the criteria in section 22, involves an ineligible activity, or the application does not contain adequate information to inform your decision. You may decline the application for any other reason, including those listed in section 21(5), whether or not the project meets the section 22 referral criteria.
10. However, before making your decision, you must consider the application, any reports, and comments provided within the required time frame. This includes the section 18 Treaty settlements report (Appendix 4), as well as the comments received from invited parties, including the further information received from Auckland Council (Appendix 5) and the further information received from the applicant (Appendix 6), which were all obtained within that time frame. We discuss these matters and provide our advice below.

Section 18 Treaty settlements and other obligations report

11. A Treaty settlements and other obligations report (the report) prepared under section 18 of the Act is attached in Appendix 4.
12. Section 18(2) of the Act requires that the report provide a list of relevant Māori groups, including relevant iwi authorities and Treaty settlement entities. The report identifies that 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. Attachment 3 of the report details the Māori groups relevant to the project.
13. The report states Treaty settlements relevant to the project area include settlement Acts and a signed deed of settlement (where settlement legislation has yet to be passed). The report identifies the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Tamaoho Claims Settlement Act 2018, Ngāti Pāoa Claims Settlement Act 2025; and Te Ākitai Waiohua Deed of Settlement (signed in 2021) as the relevant Treaty settlements for this project.
14. The report notes the Ngāti Tamaoho Claims Settlement Act 2018 provides for a statutory acknowledgement over the Otūwairoa Stream and its tributaries. The project area is located within the catchment of the Otūwairoa stream. The report states, 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.
15. The report considers the process of inviting comment (including providing information about the project) from Ngāti Tamaoho 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 report identifies comments were received from Ngāti Tamaoho Settlement Trust in relation to the project. Ngāti Tamaoho Settlement Trust voiced expectations in relation to stock exclusion fencing and riparian planting, managing road runoff/culvert discharges, erosion and sediment controls, stormwater and sediment treatment, and Ngāti Tamaoho involvement in the project.
17. The report states the Minister for Māori Development and the Minister for Māori Crown Relations support referral of the project and encourage the applicant to consider ongoing engagement with the relevant Māori rōpū identified in Attachment 3 of the report.
18. The report has not identified any matters which would 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. No obligations have been identified for consideration as part of this project.

Written comments received

20. Comments were received from Auckland Council (AC), including Auckland Transport (AT), Watercare Services Limited (WSL), and the Franklin Local Board (FLB); the Minister for Economic Growth and the Minister for Building and Construction; and Ngāti Tamaoho Settlement Trust (the Trust).
21. Comments from the Trust are summarised above. The key points relevant to your decision-making are outlined in Table A, with a summary provided below:
 - a. AC states that it has significant concerns with this referral application and its suitability for the fast-track process. AC and WSL consider that the project should be declined under s21(5)(c) of the Act, which relates to the potential for a project to have significant adverse effects on the environment, in this instance the potential for contamination of a drinking water supply and road safety.
 - b. WSL consider the project may not meet the criteria under section 22(1)(a) of the Act given the costs associated with any response to the detection of key contaminants within a public drinking water supply catchment area.
 - c. AT considers that the project will create significant road safety concerns due to the additional traffic volumes being generated on Hunua Road. AT considers the mitigation measures proposed by the applicant (i.e. GPS monitoring of trucks and radio communications between truck drivers) are insufficient to overcome the geometric constraints and safety risks.
 - d. the FLB opposes the project being referred and questions whether the project will deliver significant regional or national benefits, noting that there are existing fill sites already nearby future development sites in Drury and Papakura with capacity and better transport connections more appropriate for these managed fill activities. The FLB raise concerns with the project being within the catchment of the Hayes Creek Dam, which forms part of Auckland Water Supply network. FLB also consider that a managed fill activity would potentially have significant negative environmental impacts, raising transport and safety issues as being of significant concern.
 - e. the Minister for Economic Growth noted that (based on the economic impact assessment provided by the applicant) the project has a modest job and GDP impact, however considers that the primary benefit of the project is the certainty provided to construction businesses and property developers through the availability of construction waste

services and stated that this is particularly important in Auckland where construction and development is critical in supporting economic growth through housing supply and infrastructure delivery. The Minister for Economic Growth observed the project could support the momentum of development activity in one of New Zealand's economically significant regions.

- f. the Minister for Building and Construction supports referral of the project based on the importance of ensuring adequate managed fill capacity to enable ongoing housing and infrastructure development. The Minister notes that Drury is projected to experience substantial population growth and considers that the availability of a local managed fill facility will have an important supporting role in enabling this growth to proceed efficiently and at scale. The Minister concluded the project has the potential to support housing and infrastructure delivery in a strategically important growth area and to provide regionally significant benefits by addressing an identified capacity gap.

Further information provided by the applicant and relevant local authorities

22. The applicant and AC provided further information in response to your request for further information under section 20 of the Act. An overview of the responses received are outlined in Table A, with a summary provided below:
 - a. the applicant confirmed that the project is reliant on roading upgrades being completed, including the installation of signage and the improvement of sightlines. The applicant considers that these upgrades should be undertaken by AT
 - b. AT identified that a series of minor roading upgrades were scheduled, subject to funding being allocated by AC. These upgrades relate to resurfacing and do not include road widening, enhancement of sightlines or the installation of signage
 - c. AC confirmed that the project does not meet the Auckland Unitary Plan's definition of infrastructure, with the Auckland Unitary Plan definition aligns with that in the RMA which excludes managed fill sites. We agree with this interpretation.
23. You must consider all information received within the specified timeframe. We have taken this information into account in our analysis and advice, and it is presented in Table A.

Reasons to decline

24. You must decline the referral application if:
 - a. you are satisfied the project does not meet the referral criteria in section 22 [*section 21(3)(a)*]
 - b. you are satisfied the project involves an ineligible activity [*section 21(3)(b)*]
 - c. you consider you do not have adequate information to inform your decision [*section 21(3)(c)*].
25. We consider the applicant has provided sufficient information to enable an assessment of the referral application.
26. You must decline an application if you consider it cannot be accepted under section 22, which requires that:
 - a. the project is an infrastructure or development project that would have significant regional or national benefits; and
 - b. referring the project to the fast-track approvals process:

- i. would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes; and
- ii. is unlikely to materially affect the efficient operation of the fast-track approvals process.

27. We consider that you cannot be satisfied the project would have significant regional or national benefits.

28. The applicant points to the considerations set out under section 22(2)(a) and considers the project will:

- a. deliver new regionally or nationally significant infrastructure
- b. increase housing supply, address housing needs, or contribute to a well-functioning urban environment by enabling housing construction
- c. deliver significant economic benefits, for the following reasons:
 - i. \$28 million Net Present Value (NPV) of regional economic activity over 11 years (including one year of construction), supporting 100 full time job years.
 - ii. lower transport costs equalling over \$10 million NPV through to 2037
 - iii. lower environmental costs (associated with reduced transportation requirements) totalling \$1.3 million NPV
 - iv. directly contributing to the efficient provision of approximately \$6 billion (over the life of the project) of development value
 - v. overall supporting the efficiency and competitiveness of the \$8.6 billion per annum wider construction industry.
- d. support climate change mitigation, support climate change adaptation, address significant environmental issues and be consistent with local planning documents.

29. Having considered the matters in section 22(2)(a), we do not consider the project meets these criteria and, therefore, do not consider it to be a development or infrastructure project that would have significant regional or national benefits. Our full analysis of this consideration is in Table A, with a summary provided below of the criterion relevant to the project:

- a. *deliver new regionally or nationally significant infrastructure* – the project does not meet the definition of “infrastructure” under the RMA, the Auckland Unitary Plan, or the National Policy Statement for Infrastructure
- b. *increase housing supply, address housing needs, or contribute to a well-functioning urban environment* – we consider that while the project may provide indirect benefits to the construction sector, it does not itself directly enable housing supply or contribute to a well-functioning urban environment
- c. *deliver significant economic benefits* – we do not consider the project delivers significant economic benefits at a regional or national scale. We note AC has queried the methodology underpinning the applicant’s economic assessment and the resulting estimates and the Minister for Economic Growth has characterised the project’s impact on jobs and GDP as modest.
- d. *support climate change mitigation or adaptation, address significant environmental issues, or be consistent with local planning documents* – we do not consider that the scale of the benefits identified is sufficient to meet the threshold of significant regional benefit under this criterion.

30. On this basis, we consider you must decline the application under section 21(3)(a) as the project does not meet the criteria in section 22.
31. 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 in Table A.
32. The project has previously been lodged with AC under the RMA. The resource consent was notified by AC and received more than 500 submissions, with the majority being in opposition. The consent history and the level of public interest suggest there may be an expectation from those parties who have submitted that they would be given the opportunity to comment on the project. We note the RMA application was placed on hold at the applicant's request, while they elected to pursue the referral application under the Act.
33. We have considered whether you should direct an expert panel to invite comments from the submitters on the AC notified consent. However, we consider that would be effectively replicating an RMA process and would not be an effective use of the fast-track process. Overall, we consider you should not decline the application on this basis.
34. Comments from AC (including AT, WSL and FLB) raised concerns that the project would have significant environmental effects on road safety and the potential to cause contamination of a drinking water supply.
35. AC's concerns regarding transport effects centred on its view that the project would require significant upgrades to Hunua Road, and that road widening may not be feasible due to geometric constraints. AC also notes that such widening works, even if feasible, are not currently planned or funded so would need to be funded by the applicant.
36. The concerns about the effects on the water supply centred around the potential for leachate from the fill to contaminate the Hay's Creek water supply dam via groundwater pathways. These concerns are of particular note as WSL considered contamination of the water supply may not be able to be effectively mitigated, and the cost of remediating the dam in the event it was contaminated would be more than \$5 million, with an additional annual operating expenditure of \$800,000.
37. There is no consensus between the applicant and AC about the significance of the potential adverse effects in relation to water supply contamination or transport. The applicant has provided their own assessment of the effects on these matters which are not aligned with AC's position.
38. We have considered the matters above and this is further discussed in Table A. We consider you could also decline the project under section 21(4) and 21(5)(c) on the basis that the project may have significant adverse effects on the environment, with regard to road safety and potential contamination of a drinking water supply.
39. This is our consideration based on the available information; however, you retain the discretion to agree or disagree with our recommendations and determine the outcome of the referral application.

Reasons to accept

40. The statutory framework in Appendix 1 sets out the reasons you can accept a referral application and refer the project to the fast-track approvals process.

41. Our assessment of these matters is detailed in Table A. As noted above, we do not consider the project meets the requirements in section 22. If you agree, you must decline the referral application under section 21(3)(a) of the Act.

Conclusions

42. We consider the project does not meet the section 22 criteria and you must decline the application under section 21(3) of the Act because the project is not an infrastructure or development project that would have significant regional or national benefits.
43. We also consider you can decline the project under section 21(4) and section 21(5)(c) because the project may have significant adverse effects on the environment with regard to road safety and potential contamination of a drinking water supply.

Next steps

44. If you agree with the recommendation to decline the referral application, the Ministry for the Environment must give notice of your decisions to the applicant and any parties invited to comment under section 17, including the reasons for your decisions, and publish the notice on the Fast-track website.
45. A draft notice of decisions letter addressed to the applicant has been prepared based on our recommendation to decline (refer to Appendix 7). Subject to your approval, we will send a copy to the applicant, and anyone invited to comment on the application. If you decide to refer the application or if any other amendments to the letter are required, we will provide you with an updated version accordingly.
46. Our recommendations for your decisions follow.

Recommendations

47. 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 Scarbro Environmental Limited (the applicant) if you are satisfied that the Drury Managed Fill 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 making a decision on the application in accordance with section 21 of the Act you have considered:

- i. the application in Appendix 2
- ii. the report obtained under section 18 of the Act in Appendix 4
- iii. any comments and further information sought under sections 17 and 20 of the Act in Appendices 5 and 6 (note: all the comments and further information responses were provided within the required time frame).

Yes / No

- c. **Note** that under section 21 you **must** decline a referral application if:

- i. the application may not be accepted under section 21(1) (which relates to the criteria for assessing a referral application in section 22); or
- ii. you are satisfied that the project involves an ineligible activity; or
- iii. you are satisfied that you do not have adequate information to inform your referral decision.

Noted

- d. **Note** that you **may** decline a referral application for any other reason, whether or not the project meets the criteria in section 22, including (but not limited to) the reasons for decline set out at section 21(5).

Noted

- e. **Decline** the referral application under section 21 of the Act, on the basis that you:

- i. **agree** that the project does not meet the referral criteria under section 22 of the Act because it is not an infrastructure or development project that would have significant regional or national benefits [section 21(3)(a)]. Specifically, you agree that the project will not:
 - deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure;
 - increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment;
 - deliver significant economic benefits; or

- result in any other benefits that would lead you to consider that the project would have significant regional or national benefits.

Yes / No

- ii. **agree** that the project may have significant adverse effects on the environment with regard to road safety and contamination of a drinking water supply [*section 21(4) and 21(5)(c)*].

Yes / No

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

Yes / No

- g. **Agree** that the Ministry for the Environment will provide the notice of decisions letter to the applicant and anyone invited to comment on the application, as well as publish the notice on the Fast-track website.

Yes / No

- h. **Note** that should you disagree with our recommendation above and decide to accept the referral application, we will provide you with further advice and a revised notice of decisions letter, along with our recommendations for proposed directions to an expert panel and the applicant.

Noted

Signatures



Stephanie Frame
Manager, Fast-track Operations

Hon Chris Bishop
Minister for Infrastructure

Date:

Table A: Stage 2 analysis

Recommendation	<u>Decline</u> the referral application.		
Project details	Project Name	Applicant	Project Area
	Drury Managed Fill (the project)	Scarbro Environmental Limited (the applicant)	362 Jones Road, Drury, Auckland. The project area is legally described as Part Allotment 10 Parish of Hunua (RT: NA67C/593) and Allotment 264 Parish of Hunua (RT: NA67C/594).
Project description	<p>The project is to establish and operate a new managed fill facility comprising two separate areas of 9 hectares (ha) and 2ha (including associated drains and sediment ponds) on the northern and southern sides of the site with corresponding estimated fill volumes of 720,000 cubic metres (m³) and 70,000m³, giving a combined fill volume of 790,000m³.</p> <p>The fill will operate for a period of 10 years and will comprise:</p> <ul style="list-style-type: none"> - contaminated soil and other contaminated materials - natural materials such as clay, gravel, sand, soil, rock - inert manufactured materials such as concrete and brick. <p>The project comprises two main fill areas as described below:</p> <ol style="list-style-type: none"> 1. <u>Northern Fill Area</u> <ol style="list-style-type: none"> a. 720,000m³ of fill over 5 stages b. 9 ha fill site area, with each stage being approximately 2 ha. c. average fill depth of 8m d. maximum fill depth of 24m e. highest point of the site (223m Reduced Level (RL) increasing to 237m RL. f. mounded landform shape with variable side slopes up to a maximum of 1:3, tying back into existing ground. 2. <u>Southern Fill Area</u> <ol style="list-style-type: none"> a. 70,000m³ of fill over 1 stage b. 2 ha fill site area c. average fill depth of 3.5m d. maximum fill depth of 10m e. mounded landform shape with variable side slopes up to a maximum of 1:3, tying back into existing ground. <p>At the completion of the project, the site will be grassed and returned to rural production use.</p>		
Minister invites comments / requests information	Comments from invited parties		
	<p>Local authorities</p> <p><u>Auckland Council (AC)</u> AC identifies the site of the project (362 Jones Rd, Drury) is currently subject to an existing Resource Management Act 1991 (RMA) resource consent application referenced (BUN60440759) LUC60440790, DIS60440791 and LUC60445125. As Scarbro Environmental Limited is the applicant for both BUN60440759 and this project, AC confirms that BUN60440759 is not considered a competing application. AC confirms that there are no other existing lodged RMA resource consent applications listed against 362 Jones Rd, Drury.</p> <p>AC confirms there are no existing resource consents issued where sections 124C(1)(c) or 165ZI of the RMA could apply, if the project were to be applied for as a resource consent under the RMA.</p> <p><i>General comments</i> AC states that it has significant concerns with this project and therefore strongly queries whether this project is suitable for processing under the Act. A resource consent application previously submitted to AC, which sought the same activity as this project, was publicly notified and received 520 submissions - 514 of these submissions were in opposition. The resource consent has since been suspended by the applicant, pending the outcome of this referral process.</p> <p>AC considers there are reasons why this project should be declined under s21(5)(c) of the Act, which relates to the potential for a project to have significant adverse environmental effects; these include:</p> <ul style="list-style-type: none"> - contamination, drinking water, public health: the project seeks to locate a managed fill (an activity which has inherent unavoidable contamination risks) within a drinking water supply catchment. This scenario raises significant public health concerns - road safety: Hunua Road has constrained geometry in several sections and there are significant safety concerns due to the additional traffic volumes being generated on Hunua Road by the proposed truck-and-trailer movements. Required operating clearances are not achieved, creating residual safety effects for all users. 		

In addition to the above significant environmental effects, AC questions whether the project has provided sufficient information to appropriately demonstrate whether it will deliver significant regional or national benefits, including economic benefits. AC Consider that the project is inconsistent with the Regional Policy Statement and the Auckland Unitary Plan (AUP).

Economic

AC has raised concerns with the methodology used with the economic assessment, stating that there is little justification for the numbers or references for assumptions used and that aspects such as the environmental costs of site development and operation should be included. AC considers that a cost benefit analysis should be required to provide a more robust assessment of net benefits.

Contamination

AC has raised concerns with the risks associated with water from the site (leachate) and any unexpected contaminants reaching the Hays Creek water supply dam including via groundwater pathways and considers that the applicant has not considered the potential effects on the receiving environment.

Watercare (WSL)

WSL strongly opposes the project and seeks that the project is not referred as it may have significant adverse effects on the environment (as per section 21(5)(c) of the Act). Locating a managed fill facility within a drinking water supply catchment raises significant public health concerns.

Technical experts engaged by WSL have identified additional groundwater pathways and have concluded that the potential for water and sediment to move towards Hays Creek Dam from the site cannot be precluded. WSL has stated that these experts are not satisfied that the risk of unexpected contamination can be fully mitigated.

WSL considers the project may not meet the significance criteria under section 22(1)(a) of the Act given the costs associated with any response to the detection of key contaminants within the drinking water supply. It is estimated that if per- and poly-fluorinated alkyl substances (PFAS) were found in the raw water at the Hays Creek Dam this would cost approximately \$5,000,000 - \$7,000,000 for a capital solution to rectify, and an additional opex of approximately \$800,000p/a. In addition, the Papakura Water Treatment Plant (which treats water from Hays Creek Dam) would be out of service for a prolonged period to allow for the upgrade works.

Auckland Transport (AT)

Hunua Road has constrained geometry in several sections and there are significant safety concerns from AT's road safety specialist due to the additional traffic volumes being generated on Hunua Road by the proposed truck-and-trailer movements. Required operating clearances are not achieved, creating residual safety effects for all users. Operational controls such as those proposed are insufficient to overcome the geometric constraints and safety risks.

AT notes significant uncertainty as to whether sufficient physical widening of Hunua Road is achievable to provide compliant clearances for opposing truck-and-trailer movements. There is an absence of supporting geotechnical and/or engineering assessment to demonstrate that widening could be delivered.

AT considers there is a risk of accelerated pavement deterioration from additional heavy vehicle loading. Accelerated pavement deterioration can lead to increased maintenance and repair costs for the Road Controlling Authority, reduced pavement service life, and increased safety risks for road users.

Franklin Local Board (FLB)

The FLB opposes referral of the project, questions whether the project will deliver significant regional or national benefits. FLB note there are existing fill sites already nearby future development sites in Drury and Papakura that have capacity and better transport connections.

The FLB raise concerns with the project being within the catchment of the Hayes Creek Dam which forms part of Auckland Water Supply network and the risks of having a managed fill and associated contamination in the catchment of an existing water supply dam. The Board have highlighted that the site includes flood prone areas, streams, and a wetland that is part of a significant ecological feature and consider that the project will have significant adverse environmental effects.

The FLB raised concerns with transport safety issues, particularly regarding Hunua Road which is narrow, has instability issues and a high crash rate. Other concerns raised related to amenity impacts on the surrounding properties.

Ministers

Minister for Economic Growth

The Minister noted that based on the economic impact assessment (EIA) provided by the applicant, the direct development expenditure was estimated to be \$500K with related employment of three full-time equivalent jobs (FTE) over the one year of construction. Over the 10 years of operations the direct operational expenditure is estimated at \$31.6M with related employment averaging at 7.9 FTE. The Minister also noted that other estimates provided in the EIA relating to transport costs and the delay of construction.

The Minister concluded that the EIA provides a modest job and GDP impact, however noted that the primary benefit of the project is the certainty that the project will assist construction businesses and property developers through the availability of construction waste services. The Minister considers this is important in Auckland where construction and development are critical in supporting economic growth – by reducing the risk of construction disruptions, the project could support the momentum of development activity in one of New Zealand's economically significant regions.

Minister for Building and Construction

The Minister supports the referral of the project, on the basis of the importance of ensuring adequate managed fill capacity to enable ongoing housing and infrastructure development. The current lack of a nearby, easily accessible managed fill site has the potential to become a significant constraint on housing delivery and associated infrastructure development. As construction and development activity increases, the absence of suitable local disposal options for clean fill as well as construction and demolition material can add cost, increase transport distances, and delay project delivery. The Minister believes that this has the ability to be a material risk to meeting housing supply objectives if not addressed.

The Minister has noted that Drury is expected to experience substantial growth in residential and associated development and have commented that the availability of a local managed fill facility will therefore play an important supporting role in enabling this growth to proceed. On this basis, the Minister considers the proposed project has the potential to support housing and infrastructure delivery in a strategically important growth area and to provide regionally significant benefits.

Māori Groups

Ngāti Tamaoho Settlement Trust (the Trust)

The Trust have four key areas of concern with regard to the project, as summarised below:

1. stock exclusion fencing and riparian planting; to ensure waterways and wetland areas within the site are protected through comprehensive stock exclusion and riparian restoration measures. This includes fencing that is capable of reliably excluding stock from waterbodies and associated margins in all seasons. The Trust expect that riparian margins are planted with appropriate indigenous species that are eco-sourced and selected to reflect the local receiving environment, with planting focusing on being a mitigation method to stabilise banks, intercept sediment, and improve water quality. The Trust notes that the way these measures are currently described in the project is not of sufficient detail, and that such mitigation measures should be secured through clear, enforceable and time-bound conditions that establish minimum deliverables, define standards, and ensure early implementation
2. road runoff/culvert discharge; there is a road culvert off Jones Road that discharges into an adjacent paddock and then enters a waterway via a spring/puna. The presence of a spring/puna also elevates the cultural and ecological sensitivity of this discharge pathway, and therefore increases the expectation that discharges are managed conservatively and with a high margin of safety. Ngāti Tamaoho expects that rock riprap, or an equivalent energy dissipation and filtration treatment, is installed so that all road runoff passes through treatment prior to entering any waterway or wetland
3. erosion, sediment and discharge controls; the Trust requests that super silt fencing is installed and maintained wherever necessary to prevent sediment-laden runoff from entering any waterways. Sediment and erosion controls must be adaptive to changing site conditions, properly maintained, and routinely audited to ensure they remain fit-for-purpose.
4. flocculation: the Trust is concerned that flocculant selection and use can become a late-stage operational decision. This approach risks introducing products that are not aligned with mana whenua expectations, or that carry uncertainty regarding downstream effects. In the event of flocculation being proposed, the Trust expect that any flocculant used is organic and implemented with clear controls, appropriate operator competence, and a contingency approach to ensure treatment performance is reliable during variable flow conditions and rainfall events.

The Trust expect meaningful involvement in oversight arrangements, including cultural monitoring/site presence and an iwi-centered accidental discovery protocol. The Trust consider that their relationship with the project does not end at the conclusion of construction and long-term stewardship is essential to maintain and enhance the health of waterways and wetlands, and to ensure that restoration measures achieve enduring outcomes. The Trust expects an ongoing commitment to monitoring, maintenance, replacement planting (where needed), and continual improvement, including a clear process for addressing unforeseen effects should they arise post-construction.

Further information from the Applicant and relevant local authorities (Auckland Council)

The applicant

The following question was asked of the applicant: *is the Drury Managed Fill project reliant on upgrades to Hunua Road being completed and, if so, when are these upgrades intended to be delivered and by whom (including who will provide the funding)*. A summary of the response, which was provided in two parts, is provided below.

Q1: is the Drury Managed Fill project reliant on upgrades to Hunua Road being completed?

Experts contracted by the applicant have confirmed that the project is reliant on (a) the erection of "Road narrows" signs (PW-43) being installed and W16-6.1 "school bus stop route" signs. Actions to improve sightline is also required, this involving the trimming or removing vegetation and trees within the road reserve.

Q2: when are these upgrades intended to be delivered and by whom (including who will provide the funding).

Based on the advice of the traffic experts the applicant considers that the required upgrades are currently required without the project being present. Therefore, the applicant considers that these upgrades should be completed by AT as soon as possible. The applicant notes that AT has the stance that road widening is required and opposes this stance stating that only the proposed mitigations described above are required for the proposed Drury Managed Fill and that no widening of Hunua Road is required to address any additional safety risk from truck movements. The applicant states that this is based on advice received from two different traffic experts.

The applicant notes that the need for the road widening was only raised as some points on Hunua Road did not meet AT requirements of a strategic freight route, which was what Hunua Road was classified as at the time of the project initially being submitted to AC. This classification has since been removed. The applicant highlights that the initial section 95 report completed by AC stated that physical road widening is not feasible and accepted that the measures proposed by the applicant were acceptable.

Relevant local authorities

Auckland Council (AC)

Q1. If there are any upgrades planned for Hunua Road by Auckland Transport and, if so, when these upgrades are expected to commence and be completed.

There is programmed work for resurfacing approximately 800m of pavement approaching the Winstone (Hunua) Quarry entrance, and this work is programmed for 2028/2029 subject to funding. AT has chipseal works programmed for 2028/2029 for two specific sections of Hunua Road. This is a surface renewal / preservation treatment, and it is not structural works. These programmed works are not confirmed until AT have funding approved from AC. AC approves the budget on an annual basis and AT adjusts the programme to suit the approved budget.

Q2. Whether AC considers the project meets the definition of 'infrastructure' in the AUP.

AC do not consider that the project meets the definition of 'infrastructure' in the AUP, because:

- The AUP references the RMA, and the definition of infrastructure under the RMA does not include a managed fill or cleanfill.
- The AUP specifically includes "municipal landfills" as being in addition to the RMA definition of infrastructure. However, a managed fill or a cleanfill are defined separately to a landfill. The definitions for each of these types of activity specifically exclude "municipal solid waste".
- Further, a standard interpretation of "municipal" would imply that a facility is run by or on behalf of the city, which is not the case for this proposed privately operated managed fill facility.

<p>The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]</p>	<p>We consider you can be satisfied that the project does not involve an ineligible activity because it:</p> <ul style="list-style-type: none"> - would not occur on identified Māori land, Māori customary land or a Māori reservation as confirmed by the relevant records of title and consultation with iwi authorities. - would not occur in a customary marine title area or protected customary rights area as it is not in the coastal marine area (CMA). - 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 CMA 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 and does not occur on Schedule 4 land. - would not be prevented by section 165J, M, Q, ZC or ZDB of the RMA because it will not occur in the CMA. - 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 record of title. - is not a prohibited activity or decommissioning activity under the EEZA, 15B or 15C of the RMA - is not for the purpose of an offshore renewable energy project. <p>No comments raised by parties invited to comment have indicated that the project would involve an ineligible activity.</p>
<p>The Minister must decline an application if the Minister considers they do not have adequate information to inform the decision [section 21(3)(c)]</p>	<p>We consider that you have sufficient information to inform your decision on the referral application.</p>
<p>Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahono ā Rohe, joint management agreement, or the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 [section 16]</p>	<p>The attached section 18 report has identified have identified Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Tamaoho Claims Settlement Act 2018, Ngāti Pāoa Claims Settlement Act 2025; and Te Ākitai Waiohua deed of settlement (signed in 2021) as the relevant Treaty settlements for this project.</p> <p>Each of these are discussed within the attached section 18 report which confirms no additional actions are required to be implemented with regard to this project.</p>
<p>Section 22 assessment criteria</p>	
<p>The project is an infrastructure or development project that would have significant regional or national benefits [section 22(1)(a)]</p>	<p><u>The Minister must consider a relevant Government policy statement (GPS) [s22(1A)]</u> The only current GPS is the Government Policy Statement on Grocery Competition. As this project does not involve a supermarket development or grocery-related activities, there is no GPS relevant to your decision.</p> <p>The Minister <u>may</u> consider any of the following matters, or any other matters the Minister considers relevant:</p> <p><u>Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]</u> The applicant has highlighted that Drury is identified by AC as a new regionally significant growth node within Auckland with a projected population of approximately 66,000 people. The applicant states that appropriate infrastructure is required to enable the level of development required to support this projected population growth and that the project will cater for the disposal of civil earthworks for a total of approximately 12,000 dwellings over the 10-year lifespan, in an efficient and cost-effective location.</p> <p>Therefore, the applicant believes that the project will “deliver” new regionally significant infrastructure for Auckland by supporting urban development including residential and infrastructure construction in the Auckland region.</p> <p>AC have confirmed that it does not consider managed fills to fit within the AUP or RMA definition of infrastructure, due to the private nature of the project, it not being a municipal landfill, and the RMA definition not including a managed fill or cleanfill. We also note the National Policy Statement for Infrastructure does not include clean- or landfills in its definition of infrastructure.</p> <p>We note, and in this instance, agree with the interpretation provided by AC. Overall, we consider that the project does not meet the criterion under section 22(2)(a)(ii) of the Act.</p> <p><u>Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment [s22(2)(a)(iii)]</u> The applicant has stated that the availability of managed fill sites is essential for ongoing residential development and construction and that there are currently insufficient managed fill sites available in the Auckland region to meet demand and to facilitate the necessary level of residential and infrastructure development. The applicant has stated that civil earthwork operators have to travel further and pay more to access sites to dispose of clean and managed fill causing time and cost inefficiencies. The applicant believes that approving the project will reduce these inefficiencies, increase competition and efficiency in the managed/clean fill disposal market in the Auckland region.</p>

The applicant has stated that the application upholds the Government Policy Statement on Housing and Urban Development – November 2025, with one of the five key priorities being to “improve efficiency and competition in building and construction – making it cheaper and easier to build. The increased provision of fill sites in suitable locations will assist with reducing travelling costs and increasing available capacity for disposal of construction material.

The Minister for Building and Construction acknowledges the importance of ensuring adequate managed fill capacity to enable ongoing housing and infrastructure development and has noted the growth that Drury is expected to experience, along with the corresponding construction and demolition waste volume. AC and FLB question whether the project will deliver significant regional or national benefits, whilst FLB note there are existing fill sites near future development sites in Drury and Papakura.

We consider that the nature of the project does not result in an increase in housing supply or contribute to a well-functioning environment with the project not involving a housing development.

We acknowledge that the construction industry is supported by managed fill sites, and as the applicant has outlined in the application ‘managed fill sites are essential to enable urban development’. Whilst this may be the case, managed fill sites do not directly address housing needs as they do not accommodate the flow-on needs of residents such as community services. In the instance of ‘addressing housing needs’ being interpreted as supporting construction, we still consider that this does not apply as there is uncertainty that the project will support new housing development, with waste from any construction site potentially being able to be disposed of onsite, or at other available locations.

Overall, we consider that the project does not meet the criterion under section 22(2)(a)(iii) of the Act.

Will deliver significant economic benefits [s22(2)(a)(iv)]

The economic analysis submitted by the applicant estimates that the project could support civil earthworks for a total of 12,000 dwellings over the 10-year project lifespan. The report concludes that ‘based on average development and construction costs this would result in a total (direct, indirect and induced activities) impact on business activity within the Auckland region over an 11-year period of around \$28 million Net Present Value (NPV) and around 100 full time equivalent (FTE) years. Additional qualitative economic benefits for the wider regional market and communities were stated to include potential cost decrease in transportation costs, reduction in environmental impacts from reduced travel time and increased efficiency. These are outlined in more detail below.

1. Quantified direct and wider economic benefits
 - a. \$28m Net Present Value (NPV) of regional economic activity generated from the managed fill operations over 11 years (including one year of construction), supporting 100 full time job years. Or around 100 full time equivalent (FTE) years over the 2026-2037 project period
 - b. conservatively lower transport costs equalling over \$10m (NPV) through to 2037 from the managed fill accommodation
 - c. lower environmental costs (associated with reduced transportation requirements) totalling \$1.3m (NPV) through to 2037
 - d. directly contributing to the efficient provision of approximately \$6b (over the life of the project) of development value, with an example scenario resulting in potential delay cost reductions of \$85m
 - e. in turn, this supports the efficiency and competitiveness of the \$8.6b per annum wider construction industry.
2. Qualitative economic benefits for the wider regional market and communities
 - a. potential cost decrease in transportation costs, which lowers base development costs
 - b. reduction in environmental impacts from reduced travel time and increased efficiency
 - c. generating additional employment opportunities
 - d. facilitating local and regional development at a faster rate. Insufficient disposal capacity can lead to increased construction costs, project delays, and reduced certainty for developers and infrastructure providers
 - e. greater growth in local and regional economy
 - f. rehabilitation of land.

AC have raised concerns with the methodology used for the economic impact assessment, and have provided a review completed by an economist outlining the concerns with the approach taken. This review recommends that a cost benefit analysis be completed.

The Minister for Economic Growth considered the project has a modest job and GDP impact, but notes that the primary benefit of the project is the certainty that the project will assist construction businesses and property developers through the availability of construction waste services.

We note that the stated economic benefits are over 11 years and consider that the direct project economic benefits are not regionally significant (rather than the inferred values associated with contributions to wider development value, which we do not consider to be directly attributable benefits associated with this project). Therefore, we consider that the project does not meet the criterion under section 22(2)(a)(iv) of the Act.

Will support climate change mitigation, including the reduction or removal of greenhouse gas emissions [s22(2)(a)(vii)]

The applicant states that civil earthworks operators such as the Scarbro Group are travelling long distances to access sites to dispose of clean and managed fill. The applicant considers the project in its proposed location would reduce travel time and assist with the reduction of greenhouse gas emissions from vehicles. The applicant has offered to provide an expert report detailing the exact reductions to greenhouse gas emissions as part of the substantive process, if this referral is approved.

We consider that the project may achieve minor climate change mitigation benefits as a result of the reduction in mileage, however we consider the project would not be at a scale that would have significant regional or national benefits. Therefore, we consider that the project does not meet the criterion under section 22(2)(a)(vii) of the Act.

Will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards [s22(2)(a)(viii)]

The applicant states that the range of Scarbro’s civil earthworks and development projects currently includes a range of climate change adaptation measures in preparing sites for the risks of natural hazards and climate change in the future. The applicant considers that the project will enable and facilitate these types of projects going forward. The applicant has also noted that a reduction in travel distance for development located in proximity to the project will reduce greenhouse gas emissions.

We consider that the scale of benefits achieved by the project would not be at a scale that would have significant regional or national benefits in relation to this criterion. Therefore, we consider that the project does not meet the criterion under s22(2)(a)(viii) of the Act.

	<p><u>Will address significant environmental issues [s22(2)(a)(ix)]</u> The applicant states they will be implementing a range of restoration and rehabilitation measures as part of the project. The applicant identifies these measures include fencing and sediment treatment for the stream and wetland areas of the site and riparian planting both before and after the managed fill site is closed and the land restored to pastoral grazing.</p> <p>We consider there are no existing significant environmental issues that will be addressed as part of this project. However, two potentially significant environmental issues may be created by this project, the first being the potential contamination of a public drinking water supply, and the second being a reduction in traffic safety of Hunua Road. This is further assessed under sections 21(4) and (5) below.</p> <p>We consider the measures put forward by the applicant are intended mitigate adverse effects of the project rather than to address any existing environmental issues present within the environment, which is the intent of this criterion. Therefore, we consider that the project does not meet the criterion under s22(2)(a)(ix) of the Act.</p> <p><u>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</u> The applicant considers the project is consistent with the Auckland Plan 2050 and Auckland Future Development Strategy 2023 – 2053 (FDS), which signal significant urban expansion in the southern Auckland corridor. Drury-Opāheke, Pukekohe and Paerata are identified as growth clusters that contain a mix of development-ready land and land earmarked for development in the next decade. The applicant considers that the proposed managed fill facility would contribute to facilitating urban development in these areas, thereby supporting the aspirations of the FDS and NPS-UD.</p> <p>The applicant states that the project has a critical role in facilitating the timely, cost effective and efficient implementation of AC's Drury – Opāheke Structure Plan with the projected population of the new Drury-Opāheke area, being approximately 66,000 people. The applicant also highlights that the project is consistent with the strategic direction set out in the Auckland Plan by contributing to the disposal of soil from land development near areas earmarked for future urban growth. The section 42A report completed by AC for the intended council hearing was submitted by the applicant as part of the application. The assessment in this report concluded that the project upholds the majority of the objective and policy framework of the AUP. The applicant notes that the rural environment is identified in the AUP (Operative in Part) 2016 as suitable for managed fill deposition.</p> <p>Comments received from AC state that the project is inconsistent with sections of the Regional Policy Statement and the AUP. WSL also consider that the project is inconsistent with areas of the of the AUP and have stated that this is because, if a discharge of contaminants to the Hays Creek Dam catchment were to occur it would pose a significant public health risk. WSL also consider that the project does not comply with Regulation 7 of the National Environmental Standards for Sources of Human Drinking Water, and s104G, 105 and 107(1) of the RMA as the risk of a contaminant discharge cannot be satisfactorily mitigated or avoided.</p> <p>Given the conflicting positions held by AC, WSL, and the applicant regarding alignment with local and regional planning documents, we consider that the project does not meet the criterion under s22(2)(a)(x) of the Act.</p> <p><u>Any other matters that may be relevant [s22(b)]</u> We have not identified any other matters that would be relevant under this section, or any other matters that would indicate that the project would deliver significant regional or national benefits.</p> <p><u>Conclusion – Section 22 assessment criteria</u> As outlined above, we have not identified any aspects of the project that demonstrate benefits of a scale sufficient to constitute significant regional or national benefits. As such, we consider that the project does not meet the criteria under section 22(1)(a). If you agree with this conclusion, the referral application <u>must be declined</u> under section 21(3)(a).</p>
<p>Referring the project to the fast-track approvals process [section 22(1)(b)]</p>	<p><u>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)]</u> The applicant lists the benefits of the fast-track approvals process as follows:</p> <ol style="list-style-type: none"> seeking the necessary consents under the RMA through the fast-track process would be much timelier and more cost-effective than continuing to pursue the RMA process outside of the fast-track approvals process, the project is subject to a prolonged and complex consenting process that would add additional delays to reaching a decision. In the event of the decision not being approved by a hearing panel under the RMA, appeals to the Environment Court may add further costs and delay of another 12–18 months (minimum) to the approval process. <p>It is noted that resource consent applications for this project have progressed through the council RMA process with the remaining stage being a hearing which was scheduled by AC for February 2026. This was placed on hold by the applicant upon receiving Council's section 42A report which recommended the application be declined, and a referral application was subsequently submitted under the Act. While the rights of appeal under the Act are limited compared to the RMA, the advanced state of the RMA consent application may reduce the applicant's potential time savings from using the fast-track process.</p> <p>Overall, notwithstanding our conclusion above that the project does not meet the referral criteria under section 22(1)(a), we agree with the applicant's assessment that referral would facilitate the project, in line with section 22(1)(b)(i).</p> <p><u>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</u> The applicant considers that the project is a fairly simple development, with it being limited in size, scope and complexity with the project only requiring a resource consent under the RMA. The applicant highlights that the majority of the work for the substantive application has already been completed through the recent RMA consent process with AC, causing a range of expert and technical evidence to be already prepared, and reviewed by AC, and public submitters. The applicant considered that the project has been revised in response to feedback received and that this will increase the efficiency of the substantive process, and that there will be no material effect on the efficient operation of the fast-track approvals process.</p> <p>Overall, notwithstanding our conclusion above that the project does not meet the referral criteria under section 22(1)(a), we agree with the applicant's assessment that referral is unlikely to materially affect the efficient operation of the fast-track approvals process, in line with section 22(1)(b)(ii).</p>
<p>Reasons to decline</p>	
<p>Minister <u>must</u> decline [section 21(3)]</p>	<p><i>The Minister <u>must</u> decline a referral application if:</i></p> <p><i>The application may not be accepted under subsection 1 (meets referral criteria)</i> As detailed above, we consider the project does not meet the section 22 referral criteria.</p> <p><i>The Minister is satisfied the project involves an ineligible activity</i></p>

	<p>Based on the information provided, we consider you can be satisfied that the project does not include an ineligible activity.</p> <p><i>The Minister considers that they do not have adequate information to inform the decision under this section</i> We consider sufficient information has been provided to allow an assessment to be completed, enabling you to make an informed decision.</p> <p>We consider that you must decline the application under section 21(3)(a), as we consider that the application does not meet the referral criteria under section 22(1) of the Act. If you disagree with this recommendation and you consider that the project would deliver significant regional or national benefits, thereby meeting the section 22 criteria, we will provide you with further advice and an updated notice of decisions.</p>
<p>Minister <u>may</u> decline [section 21(4) and 21(5)(a-h)]</p>	<p><i>The Minister <u>may</u> decline a referral application for any other reason, whether or not it meets the criteria in section 22.</i> <i>Reasons to decline a referral application under subsection 4 include, without limitation:</i></p> <p><i>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</i> There is no indication within the application, comments received from invited parties, or from the section 18 Treaty Settlements report, that the project would be inconsistent with these documents.</p> <p><i>It would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts</i> The project has previously been lodged with AC under the RMA. The resource consent was notified by AC and received more than 500 submissions from the public, with the majority being in opposition. The section 42A report completed by AC as part of this process recommended the application be declined on the basis of the consent potentially resulting in more than minor adverse effects on traffic safety, landscape character, and inconsistency with statutory planning documents. The resource consent application has since been placed on hold, and the hearing has not commenced with the applicant submitting this referral application instead.</p> <p>The consent history with AC and the level of public interest suggest there may be an expectation from those parties who have submitted that they would be given the opportunity to comment on the project under the fast-track process. We have considered whether you should direct an expert panel to invite comments from the submitters on the AC notified consent. However, we consider that would be effectively replicating an RMA process and would not be an effective use of the fast-track process. While we consider this is a perception risk for the project, we do not consider you should decline the project on this basis, and note an expert panel has discretion to invite comments from any parties it considers relevant if the project is referred.</p> <p><i>The project may have significant adverse effects on the environment</i> Comments provided by AC have raised two key matters, that if not suitably managed, may create significant adverse effects on the environment. These relate to traffic safety and the potential contamination of a public drinking water supply. These concerns were raised as part of the previous resource consent process and whilst the applicant has attempted to resolve these concerns AC do not agree with the mitigation measures proposed. We consider that these are significant matters that need to be addressed and note that further information on these has been provided by both AC and the applicant for consideration.</p> <p>The applicant has stated that these matters have the ability to be addressed through further information being provided as part of the substantive stage, however AC have strongly advised that the potential adverse effects are significant and that the application should be declined under s21(5), thereby allowing the project to continue to be assessed under the RMA.</p> <p>With regard to traffic safety, it is noted that the section 42 report prepared by AC and submitted as part of the application states that <i>there are four physically constrained, narrow sections of Hunua Road, with less than 0.5 metres clearance between two opposing truck and trailer units.</i> The report also notes that <i>Huna Road is a high-risk crash environment and that the increase in heavy vehicles will introduce additional crash risks within an already constrained and safety challenged sections of the transport network.</i> AC have highlighted that that such widening may not be a realistic possibility. AC also notes that such widening works, even if feasible, are not currently planned or funded, so would need to be funded by the applicant.</p> <p>With regard to contamination of a drinking water supply, AC have raised concerns with the potential for leachate from the fill to contaminate the Hay's Creek water supply dam via groundwater pathways. These concerns are of particular note as AC considered contamination of the water supply may not be able to be effectively mitigated, and the cost of remediating the dam in the event it was contaminated would be more than \$5 million, with an additional annual operating expenditure of \$800,000, and the inability to adequately manage and avoid or mitigate the adverse effects on the water supply.</p> <p>We note that the current stance held by AC and WSL, with regard to the contamination of a water supply differs from the conclusion reached within the section 42A report. The conclusions reached within the section 42A report confirmed that the risk to the water supply was able to be managed through conditions of consent. It is noted that WSL has since sought an independent assessment which has identified additional groundwater pathways that had not previously been considered. The independent assessment has considered the conditions proposed in the council section 42A report and considers that these will not be sufficient to mitigate or prevent any potential discharge to the water supply.</p> <p>There is no agreement between the applicant and AC about the significance of the potential adverse effects. The applicant disputes AC's claims about the necessary road upgrades to service the project. The applicant has also put forward assessments of the effects on the water supply network which are not aligned with AC's position. The applicant considers that the effects can be appropriately managed, including through further information and assessment at the substantive stage.</p> <p>We note that our earlier assessment concluded that the project does not meet the criteria in section 22(1)(a). In this context, and given the level of uncertainty and the potential scale of adverse effects identified, we consider that the project may have significant adverse effects on the environment. This is a potential reason you may decline the referral application. Considering the assessment above, we recommend that you decline the referral application under section 21(4) and 21(5)(c) as the project may have significant adverse effects on the environment with regard to road safety and potential contamination of a drinking water supply.</p> <p><i>The applicant(s) has a poor compliance history under a specified Act that relates to any of the proposed approvals</i> There is no evidence to suggest the applicant has been subject to compliance or enforcement actions under the RMA.</p> <p><i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> The project area does not include land necessary for Treaty Settlement purposes.</p>

The project includes an activity that is a prohibited activity under the Resource Management Act 1991
The project does not involve a prohibited activity.

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

AC have confirmed that there is no record of any competing application/s within the project area. 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) AC did not identify any resource consents of the kind referred to in section 30(3)(a).

Any other matter

We have not identified any other matters that would be applicable.

Conclusion

We recommend that you decline the referral application under section 21(4) and section 21(5)(c) of the Act.

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.