



FTAA-2607-1273: Application received for referral of the project under the Fast-track Approvals Act 2024 – Stage 2 decisions

Project Name: Auckland Regional Landfill

Date submitted	12 October 2026	Tracking	26-BRF-02924
Security level	In-Confidence	Priority	Urgent

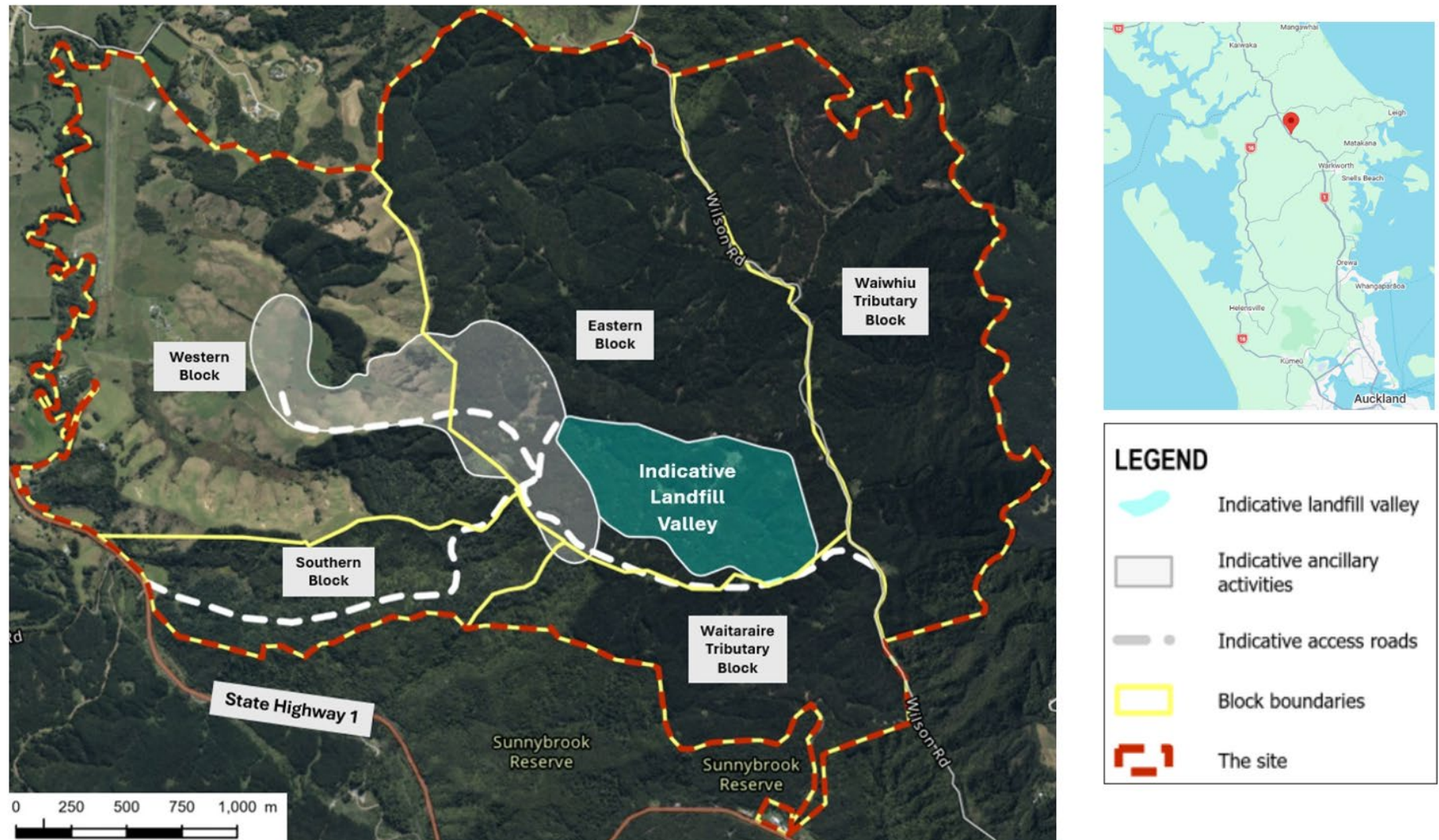
To	Action sought	Response by
Hon Chris Bishop Minister for Infrastructure	Decisions on recommendations	19 October 2026

Actions for Minister's Office staff	Return the signed briefing to: FTArefferrals@mcert.govt.nz Approve the attached notice of decisions letter
Number of appendices: 7	Appendices: 1. Statutory framework for making decisions 2. Application documents for Auckland Regional Landfill 3. Stage 1 Briefing Note and decisions 4. Section 18 Report on Treaty settlements and other obligations, including comments received from Māori groups 5. Comments received from all other invited parties 6. Further information received from the applicant 7. Draft Notice of Decisions

Ministry contacts

Name	Position	Telephone	1 st contact
Oliver Sangster	Principal Author		
Max Gander-Cooper	Acting Manager	s 9(2)(a)	✓
Stephanie Frame	Acting General Manager	s 9(2)(a)	

Project location: 1232 State Highway 1, Wayby Valley, Auckland



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 Auckland Regional Landfill (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 (26-BRF-02549) with your initial decisions annotated is in Appendix 3.
3. The project is described as the construction, operation, closure, and aftercare of a new Class 1 Landfill and associated infrastructure, in the Wayby Valley area north of Auckland.¹
4. The project will require the proposed approvals:
 - a. resource consents under the Resource Management Act 1991 (RMA)
 - b. Wildlife Act approval under the Wildlife Act 1953
 - c. archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014.
5. The project may also require approval for a standard freshwater fisheries activity, and/or complex freshwater fisheries activity under the Freshwater Fisheries Regulations 1983 and/or Conservation Act 1987 (for fish salvage activities). This would be confirmed at the time of a substantive application (should it be referred).
6. 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.
7. The applicant's intention is for this project to serve as its replacement for the Redvale Landfill, which is currently consented to operate until 31 December 2028. A separate substantive application has been lodged under the Act to extend operations at Redvale until 2036 – which may or may not be approved. The applicant seeks to begin construction of the project in 2027, to support its transition and ensure it is operational at the time Redvale closes.
8. Separately, the applicant sought RMA approvals for the Auckland Regional Landfill in 2019. Those were approved by Auckland Council commissioners in 2021, but since then have been subject to a relatively complex appeals process involving the Environment Court, High Court and Court of Appeal (yet to decide / refer back to Environment Court), and further appeals are still possible. While you are not required to decline this referral application due to the ongoing Court processes, we consider this is important context for your consideration, in determining whether to accept the application or decline at your discretion under section 21(4).
9. We seek your decisions on this recommendation and on the proposed directions to the applicants, the expert panel and notification of your decisions.

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.

¹ This is the applicant's proposed project description, as provided in section 2.2.1 of the application document. We note the proposal has separately been anecdotally referred to as the "Dome Valley" landfill.

11. Before accepting or declining the project, you must consider the application (in Appendix 2), the section 18 Treaty settlements report (in Appendix 4), any comments from invited parties (in Appendix 5), any further information requested from the applicant (in Appendix 6) and any document that requires your consideration under section 16 and comply with any procedural requirements under section 16. 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 meaning you must decline the application. We provide our advice on these matters below.
12. We have also considered if there are any reasons for declining the project, and provide our advice on these matters below. 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 does not contain adequate information for you to make 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.
13. However, before you make that decision you must consider the application and any reports and comments provided in the required time frame. You must do that as the section 18 Treaty settlements report has been obtained (Appendix 4), and comments and further information have been sought and provided within the required time frame (Appendices 5 and 6). We discuss these matters and provide our advice below.

Section 18 Treaty settlements and other obligations report (Appendix 4)

14. Auckland has a complex Treaty settlement landscape with many overlapping interests. Some groups have settled while others are still in settlement negotiations with the Crown for both individual group and collective redress. Accordingly, there are a significant number of relevant Māori groups for this project area, as listed in Attachment 3 of the Section 18 report.
15. The Treaty settlements and other arrangements relevant to the project area are the Ngāti Manuhiri Claims Settlement Act 2012, Te Kawerau ā Maki Claims Settlement Act 2015, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, and Ngāti Pāoa Claims Settlement Act 2025.
16. The Ngāti Manuhiri Claims Settlement Act 2012 provides for a statutory acknowledgement over the Hōteio River, which incorporates the project area. Under the RMA and the relevant Treaty settlements, 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. We consider the process of inviting comment under the Act is comparable to those requirements.
17. Ngāti Manuhiri Claims Settlement Act 2012 and the Ngāi Tai ki Tāmaki Claims Settlement Act 2018 provide for a conservation protocol or relationship agreement which include consultation requirements for statutory authorisations made by the Department of Conservation (DOC).
18. Te Uri o Hau Settlement Trust neither supports nor opposes the referral application. However, Te Uri o Hau considers that if the project is accepted into the fast-track process, the protection of Te Mana o te Wai, mauri, groundwater, Te Awa o Hōteio and Kaipara Moana must remain central considerations throughout all future stages of the project. Te Uri o Hau places particular importance on maintaining the integrity and health of the Hōteio catchment and upholding the long-held expectation that there be “not one drop” of landfill leachate entering the Hōteio environment. Te Uri o Hau asks you to consider these matters in determining the referral application and, should the



project proceed into the fast-track process, that they remain key considerations throughout the assessment, decision-making and implementation of the project.

19. We do not consider any matters raised in the report 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

20. To accommodate procedural requirements from the Ngāti Manuhiri Claims Settlement Act 2012 and the Ngāi Tai ki Tāmaki Claims Settlement Act 2018, if you accept this referral application, we recommend you direct any panel considering a substantive application that includes Wildlife Act 1953 approvals (and/or potential Conservation Act 1987 approvals relating to fish salvage), to consider the following:

- a. how to apply the consultation procedures in the Ngāti Manuhiri conservation protocol to inform its engagement with that iwi;
- b. how to comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Ngāi Tai ki Tāmaki; and
- c. whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with other relevant iwi members of the Tāmaki Collective.

Written comments received

21. Comments were received from Auckland Council (including Regulatory, Rodney Local Board (RLB), Plans and Places, Auckland Transport, Watercare Services Ltd, Parks and Community Facilities and Houkura Independent Māori Statutory Board), three Ministers, DOC, Heritage New Zealand Pouhere Taonga, Te Uri o Hau Settlement Trust, and NZ Transport Agency Waka Kotahi (NZTA). The Minister for Arts, Culture and Heritage responded with no comment. The key points of relevance to your decisions are summarised in Table A.

22. The key points from the comments are:

- a. general acknowledgement of the project's regional significance in providing waste disposal capacity for Auckland after the closure of Redvale Landfill, with some noting landfills fall within the definition of 'infrastructure' in the National Policy Statement for Infrastructure 2025
- b. comments from the Minister for Economic Growth and Minister for Regional Development acknowledged the findings from the applicant's economics reports. No comments challenged the economics assessments provided with the application, although the Minister for Economic Growth noted these reports did not consider gross domestic product or employment impacts (instead focusing on the benefits regarding reducing costs to consumers)
- c. most commenters were neutral about whether to refer the application. However, RLB did not support referral, instead having the view that it would be more appropriate to let the existing appeals process associated with RMA approvals run its course
- d. DOC considered the question of whether a fast-track process will be more timely or cost-effective than normal processes would depend on the outcome of the Court of Appeal's decision (and any subsequent appeal). DOC commented that it may be more appropriate to



make a decision on a referral application for this project after the Court of Appeal has released its decision (which DOC anticipates later this year)

- e. Auckland Council (Regulatory, informed by RLB) and DOC noted you may decline the referral application under section 21(5)(b) if you consider it more appropriate to go through normal processes (in light of ongoing RMA approval proceedings), and/or section 21(5)(c) if you consider there may be significant adverse effects on the environment (noting matters pertaining to particular 'ringfenced' conditions are under consideration at the Court of Appeal)
- f. some comments (e.g. DOC, Auckland Council, and NZTA) noted various conditions have been agreed through the RMA appeals process undertaken to date, and noted the applicant's statement that it does not intend to change what is being applied for through that process. Some comments noted they would need to see a substantive application to confirm those details are carried through (if referred). Auckland Council (Regulatory) noted certain technical topics addressed in comments from various areas of the council (including Auckland Transport, RLB and Watercare Services Ltd) have been addressed through the ongoing RMA approvals process.
- g. no compliance history, competing applications, or ineligibility criteria were identified.
- h. comments from Te Uri o Hau Settlement Trust are summarised above at paragraph 18.

Further information provided by applicant

23. You requested further information, including in relation to the timeliness and cost-effectiveness of referral compared with the ongoing RMA appeals process. The applicant provided further information in response to your request under section 20 of the Act. Its response included an expression that the Act provides the approvals pathway most likely to achieve the required construction programme (2027), noting its prescribed statutory timeframes, a more streamlined appeal process, and the ability to carry existing documentation and technical experts from the RMA application directly into the fast-track process. 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. 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 those situations apply here, so you are not required to decline this application under section 21(3).
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. In light of comments received, two of those matters appear to be relevant to this particular application, which we have discussed below. However, you are not required to decline the referral application for either of these reasons.

You may decline referral if you consider it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts (section 21(5)(b))

26. RMA approvals for the project are currently subject to a complex and ongoing appeals process.
27. A resource consent application was lodged with Auckland Council in 2019, and consent was granted in 2021 following a hearing. The granting of consent was then appealed to the Environment Court.



28. The Environment Court released an interim decision with provisional agreement to granting consents, however certain requirements and conditions were ringfenced as needing to be resolved before consents could be granted. The Environment Court's interim decision was appealed to the High Court. The High Court heard and dismissed the appeals challenging the Environment Court's interim decision. The High Court's decision to dismiss the appeals was then appealed to the Court of Appeal.
29. The Environment Court issued three more interim decisions over the course of 2026 while the other appeals were being heard. The Environment Court has said it is satisfied consent could be granted following further proposals by the applicant, and DOC has advised the parties have reached agreement on the remaining consent conditions, except for those subject to the 2026 Court of Appeal hearing.
30. A hearing at the Court of Appeal was held in August 2026, with a decision reserved (still pending). In comments, DOC suggest this decision is anticipated before the end of this calendar year, but we have not verified this. The Court of Appeal's decision will not be the end of the matter – if that is not appealed further, it would then be for the Environment Court to issue its final decision on the resource consent application. DOC has suggested we could anticipate an Environment Court decision on the ringfenced conditions “could be dealt with expeditiously” (with guidance from the Court of Appeal), given the Environment Court is already appraised of the project.
31. Leave could however be sought to appeal the Court of Appeal's decision further to the Supreme Court. Additionally, the Environment Court's final decision itself could also be subject to further appeal(s).
32. The majority of those who responded to invitation to comment did not present a view on this point – however RLB (via Auckland Council) did request the “referral application be declined and that the existing statutory and judicial processes be allowed to run their course”. DOC suggested it may be more appropriate to consider a referral application after the Court of Appeal has released its decision (and/or the period for appeal on that decision has passed), noting the applicant would have the right to reapply for referral after that decision is made.
33. On the other hand, the applicant has expressed its view that the fast-track process would reduce the risk of a prolonged and uncertain timeframe for the project's ultimate approval, compared with the current RMA process (including having regard to different appeal stages). This is covered in its RFI response outlined in Table A.
34. We also note declining to refer would mean that other types of approvals would need to proceed through separate processes under their respective ‘parent legislation’ (rather than through the fast-track ‘one-stop-shop’). DOC advises the project has a Wildlife Act approval application in progress under the standard Wildlife Act 1953 process. However, no evidence has been presented of archaeological authority or freshwater fisheries/fish salvage approval applications through normal processes (which may also be sought through a substantive application, should this be referred).
35. Given the ongoing RMA appeal proceedings, you have the discretion to decline the referral application if you consider it is more appropriate for the RMA approvals to continue to be dealt with through the ongoing appeals process, and other approvals to go through their normal processes. We consider the current status of RMA appeals, and cases put forward by those commenters, do provide you with a basis for this option, but you are not required to.

You may decline referral if you consider the project may have significant adverse effects on the environment (section 21(5)(c))



36. The application identifies stream reclamation within the Project footprint would result in permanent and irreversible loss of habitat. The current designs indicate that up to 12.2 km of permanent and intermittent stream loss which cannot be avoided, minimised or mitigated. The application states significant offset actions, to achieve a no net loss, and at some sites a net gain/positive effect, on ecological function outcome are proposed, comprising riparian planting of degraded permanent and intermittent stream channels within the Hōteao catchment.
37. The loss of stream habitat is the primary subject of the appeal before the Court of Appeal – being the ‘ringfenced conditions’ yet to be dealt with by the Environment Court - and its relationship to relevant policies under the Auckland Unitary Plan.
38. Auckland Council, in its comments, stated “the question here is whether the residual adverse effects will be acceptable, as it is inarguable that the unmitigated effects are significant.” The applicant, for its part, considers “no significant environmental issues have been identified that have not been addressed, or that cannot be appropriately managed through management plans and mitigation measures”. The applicant also states that adverse environmental effects related to the loss of stream habitat can be offset to a ‘no net loss’ level.
39. Given the matter is currently being dealt with separately before the Court of Appeal, we are not able to advise the extent to which the project *will* have significant adverse effects or the likelihood of that. Depending on the outcome of current proceedings, under the current RMA process that would need to be considered further by the Environment Court. It is possible that residual effects would be significant, but could also end up being moderate, minor or even no-net-loss (for example), depending on the final outcome and subsequent detailed condition-setting that is still to be worked through.
40. You do have the option to decline the referral on the basis that it *may* have significant adverse effects on the environment. You do not need to be certain that the project *will* have significant adverse effects in order to decline a referral on this point. However, in our view, this matter would be more appropriately addressed through a substantive application process, based on the more detailed technical evidence and deliberations that expert panels are tasked with undertaking (should you decide to refer the application). Importantly, we note that an expert panel retains discretion to decline a substantive application if the project has residual adverse impacts (post conditions or modifications) that ‘are sufficiently significant to be out of proportion to the project’s regional or national benefits’ (under section 85(3)). This would likely be the subject of thorough consideration by any expert panel, should you agree to refer the project.

Reasons to accept

41. The statutory framework in Appendix 1 sets out the reasons you can accept a project for referral.
42. Our assessment of these matters is summarised in Table A. We consider the project meets the requirements of section 22, for the following reasons.
 - a. it is an infrastructure or development project because a landfill falls within the definition of infrastructure under the National Policy Statement for Infrastructure (which includes resource recovery or waste disposal facilities), and Auckland Unitary Plan
 - b. it would have significant regional or national benefits because it will:
 - (1) deliver new regionally significant infrastructure through the provision of significant additional waste disposal capacity for Auckland following closure of Redvale Landfill, and flow on capacity benefits across neighbouring regions (section 22(2)(a)(ii))



- (2) deliver significant economic benefits, in the form of reduced disposal costs for households and businesses, and reduced transportation costs, relative to a counterfactual scenario of the existing Redvale Landfill closing and not being replaced (section 22(2)(a)(iv))
- 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:
 - (1) the existing RMA approvals process remains subject to ongoing appeals, with an uncertain timeframe for final resolution
 - (2) although fast-track process has costs, the applicant considers the project's greater certainty of timeframe and outcome from the fast-track process represents a material benefit compared with the compounding cost of continued delay and risk of further appeals in the current RMA process
 - (3) the Act enables a single process for multiple types of approvals that would otherwise need to be sought and approved separately.
- d. it is unlikely to materially affect the efficient operation of the fast-track approvals process because:
 - (1) existing evidence and conditions already addressed through the ongoing RMA appeals process can be carried into a fast-track approvals process
 - (2) the applicant has extensive experience operating within Auckland and nationwide, including current (ongoing) experience in the fast-track approvals process through lodgement the separate Redvale Landfill Expansion project.

Conclusions

- 43. We consider the project meets the section 22 criteria and recommend you accept the referral application under section 21 of the Act and refer the project to the fast-track approvals process.
- 44. Although the project meets the referral criteria in section 22, we consider you could decline the application under section 21(4), on the basis that:
 - a. it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts (due to ongoing appeal proceedings relating to RMA approvals, in respect of the 'ringfenced conditions' under consideration by the Court of Appeal (section 21(5)(b))
 - b. the project may have significant adverse effects on the environment (although the extent to which all residual adverse effects post mitigation/offset would be significant is uncertain at this point, given the status of proceedings at the Court of Appeal) (section 21(5)(c)).
- 45. We consider that if you decide to refer the project, you should specify the applicant must submit the following information with a substantive application (section 27(3)(b)(ii)): detail of all conditions that have been agreed to relating to RMA approvals for the project, including through the appeals process, at the time a substantive application is lodged.
- 46. We consider requiring this information is warranted, to provide transparency to parties that have been involved in the previous RMA approvals process (and who must be invited to comment on a



substantive application), as well as to an expert panel, regarding what has been resolved and remains unchanged through prior RMA appeals. This would help facilitate an efficient substantive application process.

47. We have not identified any particular reason for you to set a bespoke deadline to lodge a substantive application under section 27(3)(b)(i). The applicant has described its intention to commence construction in 2027 (as detailed in its further information response). We consider the Act's default two-year lodgement deadline would be more than sufficient to facilitate that, and we are not aware of any specific need to impose a shorter deadline in this instance. We therefore recommend the default two-year deadline under section 28(3)(d)(ii) apply.

Next steps

48. The Secretary for the Environment (the Secretary) must give notice of your decisions on the referral application, and the reasons for them, to the applicant(s) and anyone invited to comment under section 17 and publish the notice on the fast-track website.
49. In your notice of decisions, if you decide to refer the project, you must direct a panel under section 16(2)(c), to consider:
- a. how to apply the consultation procedures in the Ngāti Manuhiri conservation protocol to inform its engagement with that iwi;
 - b. how to comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Ngāi Tai ki Tāmaki; and
 - c. whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with other relevant iwi members of the Tāmaki Collective.
50. If you decide to refer the project, the Secretary 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.
51. 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.
52. We will undertake this action on your behalf.
53. We have attached a notice of decisions letter to the applicant(s) based on our recommendations (refer Appendix 7) and we will provide it to all relevant parties. We will prepare an amended letter if required.
54. Our recommendations for your decisions follow.



Recommendations

55. 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 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 Auckland Regional Landfill project (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)(c) 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 (if you have received any comments or further information after the required timeframe you are not required to consider them but may do so at your discretion) in Appendices 5 and 6.

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/infrastructure project that would have significant regional or national benefits because it:

- (1) is for a new Class 1 landfill, which is within the definition of infrastructure under the National Policy Statement for Infrastructure
- (2) will deliver new regionally significant infrastructure through supply of significant additional waste disposal capacity for Auckland, and flow on capacity benefits across neighbouring regions (section 22(2)(a)(ii))
- (3) will deliver significant economic benefits, through reducing disposal costs for households and businesses (including reduced transportation costs) compared with a counterfactual of the existing Redvale Landfill closing and not being replaced (section 22(2)(a)(iv))

- ii. referring the project to the fast-track approvals process:

- (1) would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because (section 22(1)(b)(i)), because:
 - (a) the existing Resource Management Act 1991 (RMA) approvals process remains subject to ongoing appeals, with an uncertain timeframe for final resolution
 - (b) the applicant considers the project's greater certainty of timeframe and outcome from the fast-track process represents a material benefit, compared with the compounding cost of continued delay and risk of further protracted appeals in the current RMA process



- (c) fast-track enables a single process for multiple types of approvals that would otherwise need to be sought and approved for this project separately
- (2) is unlikely to materially affect the efficient operation of the fast-track approvals process (section 22(1)(b)(ii)) because:
- (a) matters already dealt with through the ongoing RMA appeals process can be carried through into a Fast-track approvals process
- (b) the applicant has extensive experience operating within Auckland and nationwide, including current (ongoing) experience in the Fast-track approvals process through the separate Redvale Landfill Expansion substantive application
- Yes / No
- d. **Agree** there is no reason the project must be declined under section 21(3)
- Yes / No
- e. **EITHER (MCERT recommended)**
- i. **Agree** to accept the referral application under section 21(1)(c) and refer to the fast-track approvals process under section 26(2)
- Yes / No
- ii. **Agree** to specify Waste Management NZ Limited as the person who is authorised to lodge a substantive application for the project
- Yes / No
- iii. **Agree** to specify under section 27(3)(b) of the Act the following information that the applicant must submit with the substantive application: Detail of all conditions that have been agreed to through the existing appeals process relating to RMA approvals for the project, at the time a substantive application is lodged
- Yes / No
- iv. **Agree** that the default deadline for lodging a substantive application applies under section 28(3)(d)(ii), being 2 years after the notice of decisions is given to the applicant
- Yes / No
- v. **Note**, pursuant to section 16(2)(c) of the Act, you must direct any panel considering the substantive application to consider:
- (1) how to apply the consultation procedures in the Ngāti Manuhiri conservation protocol to inform its engagement with that iwi
- (2) how to comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Ngāi Tai ki Tāmaki
- (3) whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with other relevant iwi members of the Tāmaki Collective

Noted



vi. **Approve** the draft notice of decisions letter to the applicant, which reflects recommendations (i)-(v) above (attached in Appendix 7)

Yes / No

vii. **Agree** that the Secretary for the Environment will provide your notice of decisions to:

- (1) anyone invited to comment on the application including local authorities and relevant Māori groups
- (2) the panel convener
- (3) the Environmental Protection Authority (EPA)
- (4) the following relevant administering agencies:
 - (a) Department of Conservation
 - (b) Heritage New Zealand Pouhere Taonga

Yes / No

f. **OR (alternative)**

i. **Decline** to refer the project to the fast-track approvals process under section 21(4) of the Act for the following reason(s):

- (1) it would be more appropriate to deal with the matters that would be authorised by the proposed approvals under another Act or Acts, due to the currently ongoing RMA approvals' appeal process for the project (section 21(5)(b))
- (2) the project may have significant adverse effects on the environment, being the subject of current RMA appeals under consideration by the Court of Appeal (particularly unresolved 'ringfenced' conditions related to loss of stream within the landfill footprint) (section 21(5)(c))

Yes / No

Yes / No

ii. **Note** we will prepare an alternative draft notice of decisions letter to the applicant to reflect your decision(s) above

Noted

Signatures

Max Gander-Cooper
Acting 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	Applicant	Project Location
	Auckland Regional Landfill (the project)	Waste Management NZ Limited (the applicant)	1232 State Highway 1, Wayby Valley. The total site area is approximately 1020 hectares. The site is described as being split into five blocks (Western, Eastern, Southern, Waiwhiu Tributary, and Waiteraire Tributary), with the landfill valley component is proposed to be within the Eastern Block. The main site access is proposed to be located off State Highway 1, approximately 6 km southeast of Wellsford and 13 km northwest of Warkworth.
Project description	The project is described as: construction, operation, closure, and aftercare of a new Class 1 Landfill, and associated infrastructure, in the Wayby Valley area north of Auckland. The applicant is seeking the following approvals through the fast-track approvals process: - resource consents under the Resource Management Act 1991 (RMA) - Wildlife Act approval under the Wildlife Act 1953 - archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 The project may also require the following approvals, to be confirmed at the time of a substantive application (should it be referred): approval for a standard freshwater fisheries activity, and/or complex freshwater fisheries activity under the Freshwater Fisheries Regulations 1983 and/or Conservation Act 1987 (for fish salvage activities)		
Minister invites comments / requests information	Comments from invited parties		
	<i>The following section provides a summary of the comments received from invited parties under section 17 of the Act. Full copies of the comments received from Māori groups are included in Attachment 8 of the section 18 report (Appendix 4). Full copies of all other comments received are attached in Appendix 5. Under section 17(7)(a) of the Act, you must consider any comments received within the timeframe under section 17(6). All comments were received within the specified timeframe for this application and must be considered.</i> Local authority <i>Auckland Council</i> - Overall, not opposed to referral. - Project has regionally significant benefits, given the need to provide for long term waste disposal within Auckland and recognizing the current lack of existing capacity. - Specific comments attached and summarised from Regulatory, Rodney Local Board (RLB), asset owners (Auckland Transport, Parks & Community Facilities, Watercare Services Ltd), Plans & Places, Houkura Independent Māori Statutory Board. A number of matters need to be addressed (including noise, odour, dust, traffic and ecology, in addition to matters relating to landfill engineering and management (including leachate containment), stormwater discharge, hydrogeology, landscape character and cultural and amenity values). These can be addressed alongside resulting benefits / positive effects through a fast-track process. Issues raised by RLB, Auckland Transport and Watercare were considered through the RMA consenting process, and would be considered as part of any substantive application. Involvement from those entities would be enabled through the fast-track process. - Regulatory: - o Noted the Minister may conclude it would be more appropriate to deal with the resource consent applications under the RMA (section 21(5)(b)) (effectively referring the decision on Auckland Regional Landfill (ARL) resource consents ‘back to the Courts’), for reasons identified by RLB. In that case the applicant would also have to seek other approvals separately. - o Noted the Minister may conclude that the project may have significant adverse effects on the environment (section 21(5)(c)). Considers the question here, and one which the Courts are currently considering, is whether the residual adverse effects will be acceptable, as it is inarguable that the unmitigated adverse effects are significant. - o Considers the benefits associated with the project are significant in the context of the Auckland Region, given Redvale is only consented to operate until 31 December 2028 (or until mid-2030s if the separate substantive application for Redvale extension is approved), and noting the importance of landfills for providing waste disposal needs (including household, construction and demolition waste). Confirms municipal landfills are defined as infrastructure within the Auckland Unitary Plan (AUP). - o No competing applications, existing consent where RMA sections 124C(1)(c) or 165ZI might apply, or ineligible activities identified.		

- Rodney Local Board (Attachment 1)
 - o Acknowledged regional importance of maintaining sufficient capacity for Auckland’s residual waste/infrastructure and economic benefits.
 - o Project raises significant and potentially irreversible environmental/community effects (freshwater ecology, indigenous biodiversity, Hōteio River catchment, groundwater and service water contamination risk, long term impacts of major regional landfill on communities in northern Rodney).
 - o Does not support use of the fast-track process for this application. If progressed, requests substantive assessments including freshwater ecology; cumulative effects on Hōteio River catchment/downstream receiving environments; independent consideration of landfill lining, leachate, hydrogeological and groundwater risks; opportunities to avoid or minimise stream and indigenous habitat loss before offsetting or compensation; long-term landfill closure and aftercare risk; robust and enduring financial bonding sufficient to address remediation and environmental failure; traffic, road safety and maintenance; noise, odour, pest, amenity and community effects; consideration of reasonable alternatives; further formal involvement of the RLB and affected communities.
- Plans and Places (Attachment 2)
 - o Noted apparent alignment with fast-track legislation, and objectives and policies of National Policy Statement for Infrastructure, and AUP regional policy statement objectives and policies. No identified reason to reject the referral application.
- Auckland Transport (Attachment 3)
 - o Acknowledged project’s strategic importance for Auckland, and extensive appeal processes ongoing.
 - o Neutral on referral. Notes primary site access from State Highway 1 (for NZ Transport Agency Waka Kotahi (NZTA) to consider). Unclear whether project will include new roads to vest in Auckland Council, or make use of existing local roads – would prefer private roads to avoid ratepayer maintenance and general traffic. Considers any substantive application should include transport reports including an Integrated Transport Assessment.
- Watercare Services Ltd (Attachment 4) – comments informed by BECA technical comments (appendix B)
 - o Submitted on previous resource consent application.
 - o Potential contamination of Waitemata Regional Aquifer (to be used to supply drinking water for Wellsford / Warkworth) must be avoided through robust monitoring, contingency planning and notification procedures. Noted applicant’s summary of pre-lodgement notification and high level information in referral application did not contain specific detail in response to Watercare’s pre-lodgement comments. Project should demonstrate an absence of a viable hydrogeological link between the landfill base and catchment of water supply bore/aquifer, appropriate at-source protection measures, and monitoring/report/engagement/response protocols.
 - o Interested in further engagement and review of proposed conditions if the project proceeds to the substantive stage.
- Parks and Community Facilities (Attachment 5)
 - o Neutral on referral. Application indicates a significant landscape buffer between the indicative landfill valley and Sunnybrook Reserve - therefore highly unlikely that works would impinge on Sunnybrook Reserve.
 - o Any works affecting existing vegetation within adjoining Sunnybrook Reserve or the surrounding road network may require a Tree Asset Owner approval from Auckland Council (outside the fast-track process).
- Houkura Independent Māori Statutory Board (Attachment 6)
 - o Noted the applicant has contacted mana whenua, and engaged Ngāti Manuhiri (who support the application), Te Kawerau ā Maki, Ngāti Rongo, and Ngā Maunga Whakahii, and other iwi. Supportive that the project proceeds to the next stage.

Ministers

Minister for Economic Growth

- Notes NZIER and NERA Economic Consulting reports do not estimate capital costs or direct contribution to GDP/employment, but focus on avoided costs and wider efficiency across the waste system.
- Considers proposal may provide economic benefits through maintaining long-term disposal capacity, supporting resilience of Auckland’s waste-management system, maintaining competition in Auckland’s landfill market, reducing transport costs and moderating future waste-disposal prices. The project could also support continuity for Auckland’s waste streams as Redvale approaches closure. Considered these benefits to be primarily regional, while noting they may extend to neighboring regions that use Auckland disposal infrastructure.
- On balance, proposal appears likely to deliver significant economic benefits under section 22(2)(a)(iv), through avoided transport/disposal costs, improved disposal capacity and enhanced waste-system resilience.

Minister for Regional Development

- Based on information provided, expects project would offer regional benefit from reduced costs to consumers (through reduced transport costs and preventing increase in landfill gate prices).
- Noted the applicant does not provide an assessment of the broader regional or national economic impacts from the project, such as employment and impacts on gross domestic product, and commented that further information may be requested from the applicant if this is an important part of your referral decision.
- Noted proposal’s Class 1 landfill classification, considered this likely to be a significant asset for the Auckland region from 2035, and would reduce pressure on Auckland’s waste management system.
- Suggested comments on any adverse effects and associated costs should come from relevant portfolio Ministers, such as the Minister for the Environment.

	<i>Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development</i> - Supports the application progressing - Encourages applicant and panel to have due regard to relevant Treaty settlement legislation and instruments, and any feedback from relevant Māori groups as set out in the section 18 report.
	<i>Minister for Arts, Culture and Heritage</i> - No comment
	Māori Groups
	<i>Te Uri o Hau Settlement Trust</i> - Neutral on referral - If accepted, protection of Te Mana o te Wai, mauri, groundwater, Te Awa o Hōteao and Kaipara Moana must remain central considerations - Places particular importance on maintaining integrity and health of the Hōteao catchment and upholding the long-held expectation that there be "not one drop" of landfill leachate entering the Hōteao environment. - Requests these matters be considered by the Minister, and if the project is referred that they remain key considerations throughout project assessment, decision-making and implementation.
	Administering agencies
	<i>Department of Conservation (DOC)</i> - Summarised the RMA application history, including ongoing appeals process. Many of the parties (including DOC) have reached agreement on consent conditions, except for the ‘ringfenced’ conditions before Court of Appeal. Notes Ngāti Manuhiri is a project partner (acknowledges their support), and that other interested iwi and hāpu have withdrawn from RMA proceedings, or support agreed conditions. Agreements with, and benefits to, mana whenua informed DOC’s position on resource consent applications. The project has potentially significant effects on the environment. Based on information available, considers it likely adverse effects can be addressed through appropriate conditions, however the detail will be very important considerations any substantive decision. - Considers there needs to be careful consideration as to the appropriateness of accepting this referral application, given parallel and active RMA process underway. Understands the Court of Appeal intends to release its decision on the ‘ringfenced’ conditions before the end of this year. Expects an Environment Court decision could then follow expeditiously. However, notes that decision may itself be the subject of further appeal. Suggests it is possible that decision on referral would be better made after the decision of the Court of Appeal, or (if in favour of the applicant) after decision on any application for leave to appeal to the Supreme Court. - Substantial effort and resource has gone into RMA process, and continuing current process will preserve that. If the Environment Court proceedings end, parties would have opportunity to seek costs award, but unlikely full costs would be recoverable. Notes applicant indicates it does not intend to move away from consent conditions agreed by parties, but this possibility is not foreclosed – further changes would place DOC and other parties in the position of re-visiting detailed matters. An expert panel would need to receive and analyse substantial information and evidence, and conduct procedures that essentially repeat what has occurred in an RMA process. Questions whether referral would result in a more timely/cost-effective process. - Wildlife approval required for works within identified habitat of indigenous fauna, but no further detail in referral application. A current Wildlife Act approval application is in progress (through normal process), for capture, measurement, handling and temporary holding of frogs, lizards and invertebrates. No decision has been made at the time of writing - awaiting further information from applicant. Notes referral application also states Freshwater Fisheries approval may be sought as part of the substantive application, and that fish salvage may also require approval under the Conservation Act 1987. - No identified inconsistency with relevant Treaty settlement or other obligations. Notes High Court’s decision in Te Rūnanga o Ngāti Whātua v Auckland Council [2024] NZHC 3794 that found that Ngāti Manuhiri has a more 'intimate' relationship with the landfill site itself; the mana and concerns of other iwi and hapū also needing to be weighed. Does not identify the project as ineligible. No compliance history or competing application identified. Considers information is adequate to inform a referral decision. - Notes applicant notified DOC external consultant of intention to lodge this referral application, rather than submitting through DOC’s Fast Track email (resulting in limited time for DOC to provide pre-lodgement direction/feedback).
	<i>Heritage New Zealand Pouhere Taonga (HNZPT)</i> - Unable to confirm whether archaeological authority would be required based on current information. No recorded sites within the project area, but there may be unrecorded sites. Recommends assessment by suitably qualified archaeologist. - Notes relevant Treaty settlement legislation, no signed deeds of settlement within the project area, adjacent statutory acknowledgement, sites of significance in proximity/prominence with the wider vicinity. Notes Māori groups that have been consulted, and particular groups that are mana whenua representatives of the Executive Committee.²

² The applicant’s Consultation & Treaty Settlements and Cultural Values Memorandum (Appendix X of the application documents) describes the Executive Committee as being “a formalised group representing WMNZ and Mana Whenua that have a relationship and association with the Project site, and/or with Te Awa o Hōteao, and/or with the Kaipara Moana. The parties on the Executive Committee are: WMNZ, Ngāti Manuhiri, Ngāti Rangō, Ngāti Whātua o Kaipara, Te Rūnanga o Ngāti Whātua, and Te Uri o Hau”.

- Anticipates further engagement with the applicant to ensure all relevant documentation is provided with a substantive application, including archaeological assessment, appropriate methodologies and strategies, draft management plan/research strategy, evidence of consultation with tangata whenua, appropriate draft archaeological authority conditions.

Any other persons or groups

NZ Transport Agency Waka Kotahi (NZTA)

- Notes applicant has engaged NZTA through the RMA process, and agreement was reached in 2020. Engagement has continued through 2025/2026, and NZTA was notified of the applicant's intention to use the fast-track process
- Notes the application states the applicant is 'not changing what the Auckland Regional Landfill proposed to deliver for Aucklanders, including its key environmental outcomes determined through the Council-level and Environment Court appeals process'. NZTA would need to see the substantive application to be able to determine actual impacts on the State Highway network (increased heavy vehicle movements during site development, and sustained traffic volumes at completion) – of particular interest are traffic assumptions used and access locations.
- Based on information provided, NZTA has no concerns with referral, and would welcome opportunity to comment on any substantive application.

Further information from applicant

The applicant

- Further details about the applicant's described construction commencement date (early to mid-2027), how a FTAA process would help facilitate that, and any implications for any delay in terms of the project's overall operational timeframe*
 - Commencement date driven by need to ensure continuity of waste disposal services, as Redvale approaches end of currently authorised operational life (31 December 2028). Separate application lodged to extend Redvale operations to 2036, but outcome is uncertain. Regardless, this project is needed to provide long-term capacity for the Auckland Region. Construction must commence within a timeframe that avoids (as far as possible) any gap in availability of waste disposal capacity.
 - The current RMA application for this project remains subject to further appeals and hearings. The Act provides approvals pathway most likely to achieve the required construction programme, with prescribed statutory timeframes, more streamlined appeal process, and ability to carry existing project documentation and technical experts from the RMA application directly into the fast-track process, as needed.
 - No constraints on commencing further detailed design, procurement and other preparatory activities to match a construction start date in 2027 - such work would be undertaken at applicant's own risk while the consent application remains unresolved. However, the Act's prescribed statutory timeframes provide greater certainty as to when outcome will be known, which is important for planning, procurement and investment decisions and support construction commencement in 2027 to minimise risk of any gap in waste disposal capacity.
 - Any delay to the approvals timeline will directly delay construction commencement and compress time available for Project delivery. That in turn delays the date at which the ARL becomes operational, increasing the risk of a gap in disposal capacity for the Auckland region, particularly if Redvale's operational life is not extended beyond 2028 or if future capacity requirements arise earlier than anticipated.
- Further detail about how the FTAA process would enable the approvals for the project to be processed in a more timely and cost-effective way than under normal processes, particularly in light of ongoing proceedings in relation to RMA approvals, and the FTAA's appeal and judicial review provisions*
 - Current RMA process has been ongoing since resource consent application lodged in 2019 and approved by Auckland Council Commissioners in 2021. In addition to that original decision, the Environment Court has since issued four interim decisions without yet being in a position to deliver a final ruling. The High Court has also issued a decision on the Project. The Court of Appeal now considering an appeal on a question of law concerning the interpretation of a key AUP policy (that was inserted by the National Policy Statement on Freshwater Management 2020 and exists in regional plans across the country).
 - If the Court of Appeal upholds the Environment Court's approach, the Environment Court would then need to finalise the conditions that have been ringfenced / excluded from the Environment Court's consideration to date (given the Court of Appeal process) and issue a final decision, which would again give rise to further rights of appeal, first to the High Court on questions of law, then (with leave) to the Court of Appeal, and potentially to the Supreme Court. If the Court of Appeal finds in favour of the appellant, the matter may be remitted to the Environment Court for reconsideration, which could have significant implications for the grant of consent itself. There is no current indication of when a Court of Appeal decision will be received, which will itself be subject to a potential further appeal to the Supreme Court.
 - By contrast, the Act establishes a statutory process with prescribed working-day timeframes for each step, providing greater certainty as to the timeframe for the project to be considered and determined (for example, s79, which requires a panel to issue its decisions within a timeframe set by the panel convener, not exceeding 90 working days after the comment period closes). The Environment Court is not subject to equivalent statutory timeframes under the RMA.
 - The Act's appeal provisions are narrower and more streamlined than equivalent RMA provisions: single initial appeal to the High Court on questions of law only (s99), any further appeal to be dealt with as a matter of urgency (s99(6)(b)). No appeals to the Court of Appeal - instead a party must apply directly to the Supreme Court, which requires establishing "exceptional circumstances" under the Senior Courts Act 2016.
 - Ongoing uncertainty under the RMA process carries significant opportunity costs, for Auckland's waste infrastructure planning, and for communities and stakeholders awaiting resolution. While the fast-track process itself involves substantial costs, the certainty of timeframe and outcome as detailed above represents a material benefit when measured against the compounding cost of continued delay and the risk of further protracted appeals inherent in the current RMA process.
 - The fast-track pathway also reduces costs by consolidating court processes from the two currently running in parallel under the RMA (Environment Court and Court of Appeal / Supreme Court) down to a single process.

	c. <i>Description of any approvals required from NZTA for works involving construction and/or permanent site access onto State Highway 1, and any contingencies should any necessary approvals not be obtained</i> - Discussions ongoing since 2017, including a commercial agreement regarding construction and permanent site access from SH1 (potentially a roundabout or an alternative solution acceptable to NZTA). Following approvals required for works within the SH1 corridor (both permanent and temporary access): works permit under the Government Roadway Powers Act 1989, approved traffic management plan, approval under section 176 of the RMA (within NZTA designation). d. <i>The extent to which any of the existing interests listed on titles would affect the applicant's ability to undertake the project (for example, notices under s195(2) of the Climate Change Response Act, and caveat by Springhill Estate Limited</i> - Interests include indigenous vegetation within defined areas, forestry rights, section 195(2) Climate Change Response Act 2002 notices, easements for rights of way and rights to convey electricity/gas/telecommunications/water, Springhill Aerodrome aircraft operations, and a requirement that certain titles be held together. - None of these will prevent or materially affect the applicant's ability to undertake the project.
The Minister must decline an application if the Minister is satisfied that the project involves an ineligible activity [section 21(3)(b)]	We consider you can be satisfied that 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 coastal marine 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 CMA - 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 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 as it does not involve any activity in the EEZ or CMA - is not for the purpose of an offshore renewable energy project because it will not occur offshore. 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 you have adequate information to inform a decision.
Relevant considerations and procedural requirements in Treaty settlement, Mana Whakahoā 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]	The Ngāti Manuhiri Claims Settlement Act 2012 provides for a statutory acknowledgement over the Hōteio River, which incorporates the project area. MCERT considers the process of inviting comment under the Act is comparable to the requirements for statutory acknowledgements under the RMA and Treaty settlements. The Ngāti Manuhiri Claims Settlement Act 2012 and the Ngāi Tai ki Tāmaki Claims Settlement Act 2018 provide for a conservation protocol or relationship agreement which include consultation requirements for statutory authorisations made by the Department of Conservation. To accommodate these, should you agree to refer the project to the fast-track process, we recommend you direct under section 16 that an expert panel consider: - how to apply the consultation procedures in the Ngāti Manuhiri conservation protocol to inform its engagement with that iwi; - how to comply with the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with Ngāi Tai ki Tāmaki; and - whether to apply the consultation process set out in the Ngā Mana Whenua o Tāmaki Makaurau conservation relationship agreement when engaging with other relevant iwi members of the Tāmaki Collective.
Section 22 assessment criteria	
The project is an infrastructure or development project that would have significant regional	<i>The Minister <u>must</u> consider a relevant Government policy statement (GPS) [s22(1A)]</i> 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.

or national benefits [section 22(1)(a)]

The Minister may consider any of the following matters, or any other matters the Minister considers relevant:

Will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure [s22(2)(a)(ii)]

- The applicant describes the project as delivering regionally or nationally significant infrastructure, noting the National Policy Statement for Infrastructure (NPS-I) and AUP definitions of infrastructure. The applicant states that if the project does not obtain consent and is not operational by 2035, that would create a significant capacity shortfall and Auckland's projected demand would fall to just three landfills following the closure of Redvale Landfill. The definition of "additional infrastructure" in the NPS-I includes "resource recovery or waste disposal facilities" (section 1.4.1(g)).
- The Minister for Regional Development considered the project likely to be a significant asset for the Auckland Region from 2035 and beyond, given its Class 1 classification.
- Auckland Council noted municipal landfills are defined as infrastructure within the AUP, which confirms their importance in terms of the overall 'human' function within the environment with respect to waste disposal that cannot be reused, repurposed or recycled. Comments from Auckland Council concluded that the benefits of the project are significant in the context of the Auckland Region, "based on the details in the application and the importance of landfills in providing waste disposal needs".
- We recommend you refer the application on the basis the project will deliver new regionally significant infrastructure.

Will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement for Urban Development 2020 [s22(2)(a)(iii)]

- The application states "the development of ARL, with its renewable energy generation capabilities like Redvale, will directly support 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 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".
- The project does not increase the supply of housing, as it is not a residential project. Waste disposal infrastructure indirectly supports housing development by providing capacity for construction and demolition waste disposal that cannot otherwise be diverted from landfill. The project will also indirectly help address housing needs as a waste disposal facility, providing capacity to receive general household waste streams, and by providing landfill gas energy supply to the local electricity lines network. The project may support a well-functioning urban environment, due to its replacement of an existing landfill in north Auckland (with no other current alternative for Class 1 waste disposal in this area), resulting in less truck movements through Auckland to other landfill sites, and associated potential reduced congestion and traffic impacts.
- However, we do not consider the referral application provides sufficient evidence to conclude the project provides regionally significant benefits in terms of this particular criterion. We have considered the supply of waste capacity in terms of the infrastructure criterion (section 22(2)(a)(ii) above).
- We do not recommend you refer the project on this basis.

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

- The applicant considers the project will have significant economic benefits, based on two economics reports (from NERA and NZIER), which compare the project against a counterfactual scenario of the Redvale Landfill closing and not being replaced. The counterfactual assumes the landfill market structure (supply) would reduce from its current four landfills down to three - Whitford (South Auckland), Hampton Downs (northern Waikato), and Puwera (Whangarei District) - while Auckland's landfill waste volume (demand) would not change at approximately 1.6 million tonnes annually.
 - o In the counterfactual scenario, the Herfindahl-Hirschman Index (which measures market concentration) is estimated to rise from 3,760 to 5,782, which is described as well beyond the threshold regulators use to identify a substantial lessening of competition. Without the project, landfill gate prices are estimated to increase between 10-30% (using two different modelling approaches). The NERA report states "even the bottom end of this estimated range of price increases (10-15%) should be regarded as a material price increase". A 15% gate price increase is estimated to equate to about \$26.42 per tonne of waste, which would amount to about \$42.2 million additional disposal costs per year paid by users across Auckland's projected 1.6 million tonnes of waste in 2035.
 - o The project would provide an estimated direct saving of more than 2 million km travelled annually, due to truck movements not needing to travel further distances to other landfills, equating to approximately \$17.3 million per year reduction in transport costs (\$201.4 million net present value over a 35 year period, at an 8% discount rate), and estimated savings of approximately 3.7 million kg CO₂-equivalent per year. The application also describes traffic dispersal effects (reduced congestion) in terms of potential economic benefit.
 - o The project provides employment and capital investment during construction, and retained employment and operational expenditure in the Auckland Region once operational. Retaining landfill capacity within Auckland also avoids the region becoming dependent on disposal capacity outside its boundaries.
- The Minister for Economic Growth considered the project's economic benefits to be primarily regional, but may also extend to neighbouring regions that use Auckland waste infrastructure. The Minister for Regional Development expected the project would offer regional benefit from reduced costs to consumers from accessing, and transporting waste to, landfill.
- We consider it is reasonable to assess the project's economic benefits in comparison to the applicant's counterfactual scenario, because of the direct context of Redvale Landfill's upcoming closure (with or without an extension), that underpins the application for this project. We are satisfied that the project would have significant economic benefits, as it:
 - o would substantially increase capacity for landfill waste operations within Auckland, reducing the risk of materially higher gate prices within Auckland's landfill waste market that would eventuate without a replacement for Redvale Landfill (estimated at between 10-30% increase in landfill gate prices)
 - o would have an estimated \$17.3 million annual reduction in transport costs, equating to approximately \$201.4 million net present value over 35 years (based on an 8% discount rate), due to avoided truck movements to other landfills.
- The Minister for Regional Development noted the application did not detail employment and GDP impacts associated with the construction and operation of the landfill, instead focusing on the impacts outlined above, and that you should request further information if you consider that material to your assessment of this criterion. We do not consider you need to seek further information on this point, as we consider the project can be referred on the basis of having significant economic benefits on the basis of the economists' reports summarised above.

	- We recommend you <u>refer</u> the project on the basis that it will deliver significant economic benefits. <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 application does not address whether the project would support climate change adaption or reduce risk arising from natural hazards. - The application document states “landfills also play a critical part in natural hazards and disaster recovery. Material and debris from events such as the Auckland Anniversary Floods in 2023 must be disposed of, as they cannot be reused. This response also needs to be reactive, and landfills are required to have adequate capacity to manage this material at short notice, as it cannot be planned for in advance. Ensuring this capacity is available in Auckland through the development of ARL is considered to be essential for resilience at a national and regional level.” - We agree class 1 landfill infrastructure capacity is generally necessary to support recovery from events caused by natural hazards where property is damaged and waste cannot be diverted from landfill. Although the project would likely provide support to this following future events, the purpose of this project is to increase capacity for landfill waste generally from different sources, rather than specifically for emergency waste following natural hazard events. We consider the provision of waste infrastructure generally is more appropriately considered in terms of the section 22(2)(a)(ii) criterion above. - We <u>do not</u> recommend you refer the project on this basis. <i>Will address significant environmental issues [s22(2)(a)(ix)]</i> - The applicant describes environmental issues associated with the project itself being addressed through various technical memorandums associated with its design (including design elements to address potential environmental effects such as leachate migration). - We recognise that the class 1 landfills are needed in response the overall environmental issue that certain types of waste streams cannot otherwise be reused or recycled, and must be disposed of at locations with adequate capability to do so. Auckland Council’s comments recognised landfills are important “in terms of overall ‘human’ function within the environment”. - We have separately considered the project in terms of providing landfill infrastructure above (as it relates to providing capacity for disposal of waste that cannot be diverted), in relation to s22(2)(a)(ii). We do not consider that this specific project is necessary to address any other particular environmental issues at this location. - We <u>do not</u> recommend you refer the project on this basis. <i>Is consistent with local or regional planning documents, including spatial strategies [s22(2)(a)(x)]</i> - The application document (Section 3.4) considers the project is consistent with the AUP, discussing a range of specific chapters across its regional policy statement, regional plan, and district plan sections. - Auckland Council, in its comments, stated “the application appears to be consistent with the AUP RPS objectives and policies”, considering “RPS B3: Infrastructure, transport and energy” in particular. - However, Auckland Council’s feedback did not provide any commentary regarding the application’s consistency with other aspects of the AUP. While the project may be consistent with the RPS, given the status of the project and appeals before the Court of Appeal, we are not in a position to confirm it is consistent with local or regional planning documents, including spatial strategies. - We <u>do not</u> recommend you refer the project based on this criterion. <i>Any other matters that may be relevant [s22(2)(b)]</i> - We have not identified any other relevant matters for consideration under section 22(2)(b).
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 the Act provides the pathway most likely to achieve its required construction programme (which it aims to commence early to mid-2027), including factoring the current state of the RMA approvals proceeding through the Courts, due to the Act’s prescribed statutory timeframes, a more streamlined appeal process, and the ability to carry existing documentation and technical experts engaged in the RMA application directly into a fast-track process. - In its RFI response, the applicant described the Act’s appeal provisions as narrower in scope than the equivalent provisions under the RMA (which permit appeals from the Environment Court to the High Court, then to the Court of Appeal and then potentially to the Supreme Court). - The applicant has acknowledged that the fast-track process itself involves substantial costs, but considers the Act provides greater certainty of timeframe and outcome as a material benefit when measured against the compounding cost of continued delay and the risk of further protracted appeals inherent in the current RMA process. This appears to be a key driver of the applicant’s decision to lodge a referral application. - DOC noted that parties to the existing RMA approvals appeals process have put in significant effort and resource, and that parties may not be awarded full costs following the conclusion of those proceedings. No other commenters raised this. We do not consider this should have significant weight in considering whether section 22(1)(b)(i) is met, given the applicant’s comments the technical material from the current RMA processes can be carried through into a substantive application process, and that the Act itself contains cost recovery provisions for particular parties (including administering agencies and local authorities). - DOC commented that referral <i>may</i> facilitate the project in a more timely/cost-effective way if the Court of Appeal upholds the current appeal or if a subsequent appeal is made to the Supreme Court –but if not DOC considered the normal process would <i>likely</i> be more timely and cost-effective. We agree that is a potential outcome, but at this stage we cannot comment on the likelihood given it depends somewhat on presently unknown actions of other parties (both the Court and appellant). - The application includes multiple approval types that cannot otherwise be obtained through the existing RMA process, which would otherwise need to be sought through normal processes if the project were not referred (including Wildlife Act authority, archaeological authority, and potentially freshwater fisheries approvals). - We note there is inherent uncertainty in this consideration – we cannot have absolute assurance that referral <i>would</i> result in the project being processed in a more timely or cost-effective way than under normal processes, given different variables that might arise across different scenarios (such as unknown outcome of appeals, no equivalent statutory timeframe for Environment Court determinations (compared with the

	various specific timeframes that apply within an expert panel process), and potential further appeals in either scenario (or lack thereof)). This uncertainty is the same for any major project seeking consent that may be subject to further appeals. - However, the test does not require you to have complete confidence that referral <i>will</i> result in the project being processed in a more timely and cost-effective way – only that referral “would <i>facilitate</i> the project, <i>including by enabling</i> it to be processed” in that way (emphasis added). Referral decisions only result in applicants having the option of lodging a substantive application, while retaining the right to pursue RMA approvals pathways (plus other ‘normal processes’ for other approvals required). It is not mandatory for any authorised person to lodge a substantive application following a referral – they always retain the option of pursuing other consenting pathways (or even not pursuing the project at all). - Overall, in light of the applicant’s specific response to further information requested (describing the Act’s more certain timeframes and streamlined appeals pathways, versus the less certain appeal(s) timeframe(s) for the current RMA approvals process), combined with the one-stop-shop element to pursue multiple approvals through a single process, we consider you <u>can be satisfied</u> that referral would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes. - We note that, if you refer the project, it is possible that the applicant may later decide to continue with the current RMA appeals process (for example, depending on the outcome of the Court of Appeal’s decision), but reiterate you are not required to be certain that a substantive process will be undertaken, or that (if it were), that <i>would</i> necessarily be more timely and cost-effective than the current pathway in order to be accept that this test is met. <i>Is unlikely to materially affect the efficient operation of the fast-track approvals process [s22(1)(b)(ii)]</i> - The applicant states that relevant experts have been engaged over a lengthy period, due to the project’s appeals process, the project has had extensive involvement of other parties and consultation (with feedback that will be used to inform and refine mitigation measures, other than those determined through council-level and Environment Court processes), Ngāti Manuhiri are project partners, and the applicant states it has reached agreement with all other interested iwi, and the applicant has extensive experience operating within Auckland and nationwide. - DOC noted an expert panel would need to receive and analyse substantial information and evidence, and conduct procedures that essentially repeat what has occurred in the RMA process. The applicant has indicated it is able to carry existing project documentation and technical experts from the RMA application directly into the fast-track process. We note a general practice has been emerging where expert panels focus on issues that in contention, and consider this would likely occur for a substantive application in this case, having regard to the relevant history of this proposal. We anticipate that an expert panel would be able to determine a substantive application in an efficient manner. - Further, we note that a separate substantive application from the applicant for the Redvale Landfill Expansion project is currently in progress. This demonstrates the applicant has experience with the fast-track process. - We consider you <u>can</u> refer the project on the basis that referral is unlikely to materially affect the efficient operation of the process.
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 application meets the referral criteria <i>The Minister is satisfied the project involves an ineligible activity</i> - We are satisfied the project does not involve an ineligible activity. <i>The Minister considers that they do not have adequate information to inform the decision under this section</i> - The Minister for Regional Development stated “there is no immediately available information on the economic impacts from the development or ongoing operation, of the project; if this is an important part of your referral decision, you may wish to request further information from the applicant”. As discussed above, we consider the information provided with the application, alongside other received comments, provides you with adequate information to inform a decision regarding the “significant economic benefits” criterion. - We do not consider that you must decline the application under this section.
Minister may decline [section 21(4) and 21(5)(a-h)]	<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> <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> - We do not consider the project is inconsistent with any of these matters.

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

- We consider you would have discretion to decline the referral application on this ground, based on the current status of appeal proceedings related to RMA approvals.
- RMA approvals for the project are currently subject to a complex and ongoing appeals process. Approvals were initially sought in 2019, and granted by Auckland Council. Those approvals were then appealed to the Environment Court. The Environment Court has released a number of interim decisions to date, but no final decision as yet. This is because one core aspect of the proposal has been the subject of further appeal, which the applicant describes as the 'ringfenced conditions'. A hearing at the Court of Appeal was held in August 2026, with a decision reserved (still pending). Comments on this application (from DOC), suggest the Court of Appeal's decision is anticipated before the end of this calendar year, but we have not independently verified this.
- The Court of Appeal's decision will not be the end of the matter – if that is not appealed to Supreme Court, it would then go back to the Environment Court for determination. DOC has suggested an Environment Court decision on the ringfenced conditions following this "could be dealt with expeditiously" (with guidance from the Court of Appeal), given the Environment Court is already appraised of the project. However, the Environment Court's final decision itself also be subject to further appeal(s).
- The majority of those who responded to invitation to comment did not present a view on whether you should decline the project on this basis, and/or were neutral overall on the question of whether the project should be referred.
- Rodney Local Board (via Auckland Council) expressly requested the "referral application be declined and that the existing statutory and judicial processes be allowed to run their course".
- DOC suggested it may be more appropriate to consider a referral application after the Court of Appeal has released its decision (and/or the period for appeal on that decision has passed), noting the applicant would have the right to reapply for referral after that decision is made.
- The applicant has expressed its view that the Fast-track approvals process would reduce the risk of a prolonged and uncertain timeframe for the project's ultimate approval, compared with the current RMA process (including having regard to different appeal stages).
- We also note declining to refer would mean that other types of approvals required for the project would need to proceed through separate processes under their respective 'parent legislation' (rather than through the fast-track 'one-stop-shop'). DOC advises the project has a Wildlife Act approval in process under the standard Wildlife Act 1953 process. However, no evidence has been presented of archaeological authority or freshwater fisheries/fish salvage approval applications through normal processes that may also be sought through the Act, should it be referred.
- Given the ongoing RMA appeal proceedings, you have the discretion to decline the referral application if you consider it is more appropriate for those matters to continue to be dealt with through the ongoing appeals process. We consider the current status of RMA appeals, and cases put forward by those commenters, provide you with basis for this decision.

The project may have significant adverse effects on the environment

- We consider the project may have adverse environmental effects that would meet a 'significant' threshold unless adequately managed through appropriate consent conditions. There have been several interim Environment Court decisions including conditions through the RMA appeal procedures. However, the outstanding 'ringfenced conditions' element remains before the Court of Appeal.
- Auckland Council noted in its comments on this referral application, "the question here, and one which the Courts are currently considering, is whether the residual adverse effects will be acceptable, as it is inarguable that the unmitigated adverse effects are significant."
- The application's Freshwater Ecology memo (Appendix S) states "stream reclamation associated with the project will result in permanent and irreversible loss of habitat at the impact reach within the project footprint. The current designs indicate that up to 12.2 km of permanent and intermittent stream loss which cannot be avoided, minimised or mitigated. Significant offset actions to achieve a no net loss of and at some sites a net gain/positive effect on ecological function outcome are proposed. In summary this comprises riparian planting of degraded permanent and intermittent stream channels within the Hōteu catchment."
- Given the status of the Court proceedings and the subject under consideration, it is possible that the project may have significant adverse environmental effects, even after mitigation/offsetting through consent conditions. In light of that uncertainty, we consider you do have discretion to decline the referral application on the basis that it *may* have significant adverse effects on the environment. However, such a consideration may be subject to challenge by the applicant, who asserts offset actions may achieve a 'no net loss' level.
- We note that, if you do decide to refer the project to the fast-track process, an expert panel still has discretion to decline a substantive application, if it determines residual adverse impacts (following conditions) are so significant as to be out of proportion with the benefits of the project under section 85(3). Notwithstanding that is a different legal test from what applies to the project as a non-complying activity under the RMA (which the current RMA application is being considered under), we consider an expert panel process to be a more appropriate forum to assess the significance of these effects based on detailed technical information, and to determine conditions to manage environmental effects in this particular context, given the applicant's statement that it proposes actions to address the scale of effects to a 'no net loss' level.
- On balance, we do not recommend you decline the referral application on this basis.

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

- The application (Appendix C) provides a summary of the applicant's history of compliance under the RMA over the past 10 years:
 - o Redvale Landfill Energy Park (Auckland)
 - 2016: Three infringement notices for wheel wash impairment (since remediated) and discharge of objectionable odour in breach of an earlier previous abatement notice.
 - 2018: Warning for technical breaches of maximum consented leachate levels (no formal notices or fines)

	• 2021: Abatement notice for leachate exceeding levels set in resource consent conditions. Further investigation determined no outward migration of leachate beyond the landfill. Applicant considers current consent condition is unnecessarily restrictive and intends to apply for s127 RMA variation. ○ Green Island Landfill (Dunedin): 2023 infringement notice for odour (applicant sought to discuss improvements with regional council, fine issued, no further action taken). ○ Tirohia Landfill and Energy Park (Waikato) • 2018: infringement notice for contaminated stormwater discharge (\$750 fine and remediation undertaken); abatement notice for technical consent condition breach (no environmental damage, abatement notice cancelled) • 2023: abatement notice for exceeding permitted leachate levels, complied with, abatement notice cancelled in 2025. - No compliance history concerns were raised in comments. - The evidence presented by the applicant demonstrates the applicant's willingness to comply with the RMA and relevant consent conditions. It appears that corrective actions have been taken by the applicant as required and no matters have escalated to the point of prosecution or other court action. We note you previously agreed to refer a separate application from this same applicant, for the Redvale Landfill Expansion [FTAA-2511-1136, BRF-00537]. - We <u>do not</u> consider you should decline this application on the basis of the applicant having a poor compliance history. <i>The project area includes land that the Minister for Treaty of Waitangi Negotiations considers necessary for Treaty settlement purposes</i> - N/A <i>The project includes an activity that is a prohibited activity under the Resource Management Act 1991</i> - No prohibited activities are identified. The applicant describes the project having non-complying activity status under the AUP. <i>A substantive application for the project would have one or more competing applications.</i> - No competing applications have been identified. We do not consider the applicant's separate RMA applications proceeding through the Courts to be 'competing', as they are for the same project. <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 existing resource consents where sections 124C(1)(c) or 165Z1 of the RMA could apply are identified. <i>Any other matter</i> - We have not identified any other reason to decline the application We do not recommend you decline the application.
Specified matters for an accepted referral application	
The Minister may specify any of the matters under section 27(3)	<i>The Minister <u>may</u> specify any or all of the following under section 27(3) in the notice of decisions letter for an accepted referral application.</i> <i>Restrictions that apply to the project (for example, on its geographical location, its duration, or the aspects of the project that may be carried out)</i> - We have not identified any restrictions that we consider should apply to the project. <i>In relation to a substantive application for the project:</i> <i>A deadline for lodging the application, unless section 27(3)(c) applies</i> - We recommend the default two-year deadline, under section 27(3)(c), apply. <i>Information that must be submitted with the application</i> - DOC noted the applicant indicated it does not intend to move away from consent conditions agreed by parties, but this possibility is not foreclosed. We agree there would be efficiency benefits in providing a mechanism to outline conditions that have already been agreed, when a substantive application is lodged. If you approve this referral application, we recommend requiring the applicant to submit details of conditions that have already been agreed to through the existing appeals process relating to RMA approvals for the project when lodging a substantive application under section 27(3)(b)(ii). This would help facilitate an efficient process, including by providing transparency to parties that must be invited to comment on a substantive application have also been involved in the RMA process, and/or otherwise engaged with the applicant on the project's development (for example, DOC, NZTA, Watercare, Auckland Transport). It would also support an expert panel's understanding of what has already been dealt with under the RMA approval process (and appeals), allowing greater focus on matters that remain unresolved/outstanding. We recommend including this as an information requirement under section 27(3)(b)(ii) to provide transparency, but do not recommend imposing those as restrictions that must to apply to the project under section 27(3)(a) because we consider an expert panel would be better placed to make decisions on those matters as technical conditions in light of detailed evidence.

- Some parties expressed views on particular technical matters that a substantive assessment should include Auckland Council stated “the comments and/or matters of concern raised by RLB, AT, and WSL were all considered as part of the RMA consenting process for the landfill and would be duly considered as part of any FTAA application”. Heritage New Zealand and DOC included similarly broad comments on the inclusion of material required for archaeological authority and other approval types. We do not see any particular need to specify any other additional information for the application to include (beyond what the Act already requires), should you decide to refer the application.

The persons or groups from whom a panel must invite comments in addition to those specified in section 53

- RLB, AT, WSL and NZTA all expressed interest in being invited to comment on any substantive application, should you refer this application. We consider an expert panel already has mandate to invite comments from those parties under section 53 of the Act, because (a) the project is adjacent to State Highway 1, and will connect to State Highway 1 for direct site access during operations and (b) Auckland Council, as relevant local authority who must be invited to comment, is able to incorporate comments including from RLB, AT and WSL (consistent with the approach of this referral application).
- The application’s response to your further information request noted covenants on some of the titles relate to the Springhill Aerodrome, which based on the application documents appears to be located within the ‘Western block’ area of the overall site. An expert panel must invite comment from owners and occupiers of the land/adjacent land under sections 53(h) or (i). Based on the application documents, it appears any relevant owners/occupiers of Springhill Aerodrome would be captured by those requirements.
- Accordingly, we consider the requirements of section 53 are sufficient and do not recommend specifying these parties as additional persons or groups that must be invited to comment on a substantive application.

Whether the substantive application would have any competing applications

- Not applicable – none identified

Whether, in relation to any proposed approval of the kind described in section 42(4)(a) (resource consent), there are any existing resource consents of the kind referred to in section 30(3)(a)

- Not applicable – none identified

Conclusion

- We recommend specifying details of conditions that have already been agreed to through the existing appeals process relating to RMA approvals for the project when lodging a substantive application as an information requirement. Other than this, we do not recommend specifying any additional matters under section 27(3) 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:
 - give the document the same or equivalent effect through this process as it would have under any specified Act; and
 - comply with any applicable procedural requirements.
3. You must decline a referral application if:
 - you are satisfied the project does not meet the referral criteria in section 22
 - you are satisfied the project involves an ineligible activity (section 5)
 - 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 section 21(5) and even if the application meets the section 22 referral criteria.
5. You can decline an application before or after inviting comments under section 17(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:
 - the relevant local authorities
 - the Minister for the Environment, the Minister for Māori Crown Relations: Te Arawhiti, and the Minister for Māori Development
 - any other relevant portfolio Ministers
 - the relevant administering agencies
 - the Māori groups identified by the responsible agency
 - the owners of Māori land in the project area (if applicable)
 - 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.