

Fast-track Operations  
Via portal submission

## ARL Fast Track s20 Further Information Request Response

Further to your request dated 8 September 2026 requesting further information pursuant to section 20 of the Fast-track Approvals Act 2024 (FTAA), we write to provide a response to the matters outlined therein.

**Table 1: FTAA s20 response**

| Question                                                                                                                                                                                                                                                                        | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 1 Further details about the construction commencement date described in the referral application form (early to mid-2027), how a process under the FTAA would help facilitate that, and any implications for any delay in terms of the project's overall operational timeframe. | <p><b>Further details about the construction commencement date</b></p> <p>The proposed construction commencement date of early to mid-2027 is driven by the need to ensure continuity of waste disposal services as Redvale approaches the end of its currently authorised operational life. Redvale is presently authorised to accept waste until 31 December 2028. An application has been lodged with the EPA seeking approval to extend operations to 2036, but the outcome of that application is uncertain. Regardless of whether the extension is granted, the Project is needed to provide long-term disposal capacity for the Auckland region, and the construction programme must commence within a timeframe that avoids (as far as possible) any gap in the availability of that waste disposal capacity.</p> <p><b>How the FTAA facilitates the construction commencement date</b></p> <p>As set out in further detail in response to query 2 below, the current RMA application remains subject to further appeals and hearings. The FTAA provides the approvals pathway most likely to achieve the required construction programme, with prescribed statutory timeframes, a more streamlined appeal process, and the ability to carry existing Project documentation and technical experts engaged in the RMA application directly into the FTAA process, as needed.</p> <p>There are no constraints on WM commencing further detailed design, procurement and other preparatory activities necessary to match a construction start date in 2027, noting that such work would be undertaken at WM's own risk while the consent application remains unresolved. However, the FTAA's prescribed statutory timeframes provide greater certainty as to when a consent outcome will be known. That certainty is important for planning, procurement and investment decisions and supports commencement of construction in 2027 to minimise the risk of any gap in waste disposal capacity as Redvale approaches the end of its authorised life.</p> |

| Question                                                                                                                                                                                                                                                                                                            | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|                                                                                                                                                                                                                                                                                                                     | <p><b><i>Implications of delay in terms of the project's overall operational timeframe</i></b></p> <p>Any delay to the approvals timeline will directly delay construction commencement and compress the time available for delivery of the Project. 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 disposal capacity requirements arise earlier than anticipated.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>2 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.</p> | <p>As set out at section 1.4 of the Referral Application, the current RMA process has been ongoing since WM's resource consent application was 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 on the Project 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 is now currently considering an appeal on a question of law concerning the interpretation of a key AUP policy (that was inserted by the NPS-FM 2020 and exists in regional plans across the country).</p> <p>If the Court of Appeal upholds the Environment Court's approach, the Environment Court would then need to finalise the conditions that have been ring-fenced / 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.</p> <p>By contrast, the FTAA 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.</p> <p>The FTAA's appeal provisions are, as designed by Parliament, narrower in scope than the equivalent provisions under the RMA. The FTAA provides for a single initial appeal to the High Court on questions of law only (s99), with any further appeal from the High Court's decision to be dealt with as a matter of urgency (s99(6)(b)). No appeal lies from the High Court to the Court of Appeal as of right; instead a party must apply directly to the Supreme Court, which requires establishing "exceptional circumstances" under the Senior Courts Act 2016. This is a more streamlined pathway than the multiple tiers of appeal available 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.</p> <p>The ongoing uncertainty under the RMA process carries significant opportunity costs for the Project, for Auckland's waste infrastructure planning, and for the communities and stakeholders awaiting its resolution. While the FTAA 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.</p> |

| Question                                                                                                                                                                                                                                                             | Response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                                                                                                                                                                                                                                                                      | The FTAA pathway also reduces costs by consolidating the 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>3 Description of any approvals required from New Zealand Transport Agency Waka Kotahi for works involving construction and/or permanent site access onto State Highway 1, and any contingencies should any necessary approvals not be obtained.</p>               | <p>Discussions with Waka Kotahi have been ongoing, starting in 2017, as part of the development of the ARL proposal. This includes entering into a commercial agreement regarding construction and permanent site access from SH1. WM is therefore very confident that an appropriate access from SH1 will be agreed with Waka Kotahi, whether that involves a roundabout or an alternative solution acceptable to Waka Kotahi.</p> <p>The following approvals are required from Waka Kotahi for the works within the State Highway Corridor, for both the permanent access and temporary access:</p> <ul style="list-style-type: none"> <li>• A works permit issued under the Government Rounding Powers Act 1989.</li> <li>• An approved traffic management plan; and</li> <li>• Approval under section 176 of the RMA to undertake works that may hinder or prevent the works to which any NZTA designation relates.</li> <li>• NZTA was notified of the Referral Application on 19 June 2026. No response was received.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>4 The extent to which any of the existing interests listed on titles provided 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).</p> | <p>None of the existing registered interests on the titles provided will prevent or materially affect WM's ability to undertake the Project. The principal categories of registered interest are addressed below.</p> <ul style="list-style-type: none"> <li>• Three land covenants in gross registered in favour of Auckland Council over three of the titles within the WM landholdings require protection of indigenous vegetation within defined covenant areas. The covenanted areas sit outside the proposed landfill footprint.</li> <li>• A forestry right (profit à prendre) runs until 31 December 2066 in respect of land used for plantation forestry. The forestry rights holder has covenanted to progressively vacate the relevant land at WM's direction to allow for the development of the Project.</li> <li>• Notices under section 195(2) of the Climate Change Response Act 2002 ("CCRA") are registered on a number of titles, which record the classification of the land as Pre-1990 or Post-1989 Forest Land. The notices do not restrict the development and use of the land for a landfill, but deforestation may give rise to emissions liability under the CCRA.</li> <li>• A caveat by Springhill Estate Limited on two of the titles comprising the WM landholdings protects an option to grant a right of way easement. The proposed easement area is on the buffer land outside the proposed landfill footprint and will not restrict the construction or operation of the Project.</li> <li>• Covenants registered on some titles relate to aircraft operations at Springhill Aerodrome and a section 240 RMA covenant requiring certain titles to be held together. None will prevent or restrict the construction or operation of a landfill on the land.</li> <li>• Easement instruments both burdening and benefiting WM's titles including rights of way and rights to convey electricity and gas, telecommunications and water.</li> </ul> |

## Applicability

This report has been prepared for the exclusive use of our client WM New Zealand, and with respect to the particular brief given to us. It may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

We understand and agree that our client will submit this report as part of a fast-track application and that the EPA as the consenting authority will use this report for the purpose of assessing that application.

Tonkin & Taylor Ltd

Environmental and Engineering Consultants

Report prepared by:



.....  
Keeley Clayton  
Senior Planner

Authorised for Tonkin & Taylor Ltd by:



.....  
Simonne Eldridge  
Project Director