BEFORE THE FAST-TRACK APPROVALS
PANEL CONVENER **FTAA-2608-1278**

UNDER	the Fast-track Approvals Act 2024 ("**FTAA**")
AND	
IN THE MATTER	of an application for approvals under section 42 of the FTAA by Waste Management NZ Limited ("**WMNZ**") to authorise the expansion and extension of Redvale Landfill and Energy Park ("**Project**")

MEMORANDUM OF COUNSEL

3 NOVEMBER 2026

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MAY IT PLEASE THE PANEL CONVENER

Introduction

1. This memorandum is filed on behalf of WMNZ ahead of the Panel Convener Conference ("**Conference**") in relation to the Project and responds to the matters identified in Minute 1 of the Panel Convener dated 8 October 2026 ("**Minute**"), including the matters set out in Schedules 1 and 2 to the Minute.[1]

2. The Minute invites participants to address the matters set out within it, including Schedules 1 and 2. This memorandum addresses those matters and provides WMNZ's position on panel membership and the decision timeframe, being the two decisions that the Panel Convener must make.[2]

Scale and nature of approvals sought

3. As the Panel Convener will be aware, WMNZ is developing the Auckland Regional Landfill ("**ARL**") as the permanent replacement for Redvale Landfill and Energy Park ("**Redvale Landfill**"). The application for the Project seeks approvals for the expansion and extension of the Redvale Landfill to ensure sufficient disposal capacity is available in the Auckland Region until the ARL becomes operational ("**Application**").

4. In terms of the scale and nature of the Application, the Project would extend waste acceptance at the established landfill, which has operated since 1993, to no later than 31 December 2036. The works required for the Project are within the WMNZ site boundaries, adding volume within the Class 1 landfill through reprofiling and allowing the continued use of the Redvale Landfill's existing engineering, management and monitoring systems. An extension to Redvale Landfill is also proposed to allow for the placement of waste meeting the Class 2 waste acceptance criteria ("**WAC**").[3]

Complexity of the Project

5. WMNZ considers the Project is of moderate complexity.

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1 As directed by the Minute at [15].

2 Minute at [3].

3 The proposed WAC for the Class 1 and Class 2 areas is set out in Technical Report H. For the Class 1 area, acceptable waste includes non-hazardous municipal solid waste from residential, commercial and industrial sources, construction and demolition waste, soils and similar materials, including treated hazardous waste that meets the relevant limits. The Class 2 area would accept construction and demolition waste, managed fill, clean fill and non-putrescible industrial waste, subject to applicable limits.

6. Counsel submit that the Project will not involve any novel legal issues beyond the standard considerations typically associated with the FTAA.

7. The Project is supported by a comprehensive suite of technical reports, informed by over 30 years of investigation, monitoring and operational experience at the Redvale Landfill site. This provides a robust evidence base to assist the Panel in its assessment of effects.

Extent of engagement

8. WMNZ has undertaken extensive engagement in relation to the Project, both through the referral application process and as part of developing the substantive application.

9. Prior to lodging the referral application for the Project, WMNZ undertook a three-phase consultation process to inform and refine its approach for managing Auckland's residual waste between the planned end to waste acceptance at Redvale Landfill and the anticipated opening of the ARL.[4] This included:

   (a) Phase 1, which sought input on all possible options for managing Auckland's residual waste;

   (b) Phase 2, which presented viable interim options for rebalancing Auckland's waste between existing landfills; and

   (c) Phase 3, which began formal consultation with the relevant interested parties, including tangata whenua, affected communities and the statutorily required parties under section 11 of the FTAA.

10. Following lodgement of the referral application, WMNZ has continued to engage with stakeholders by responding to enquiries, providing relevant information and technical reports, publishing Project material on its website, and meeting with tangata whenua, local residents, community groups and Auckland Council to discuss the Project and answer questions.[5]

11. Engagement with mana whenua prior to lodgement of the Application is recorded in the Cultural Values Assessment ("**CVA**") prepared by Whetū Consultancy Group, which identified 13 mana whenua groups with an interest and an actual or potential association in the Project area.[6] The CVA identifies

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4 This engagement is documented in Appendix F1 of the Assessment of Effects on the Environment ("**AEE**").

5 This engagement is documented in Appendix F2 of the AEE.

6 The CVA is provided in Appendix G of the AEE.

Ngāti Manuhiri, Ngāti Rango and Te Kawerau ā Maki as the three mana whenua with a strong relationship with the Redvale Landfill site. They gave a joint letter of support for the Project.[7]

12. WMNZ has also extensively engaged with Auckland Council, Auckland Transport (now remitted back to Council), neighbouring owners and occupiers, community groups and the wider public, including through regular meetings and correspondence, community newsletters, targeted stakeholder engagement, and the ongoing sharing of technical information and environmental monitoring results.[8] WMNZ is committed to continued engagement with these parties on the Application.

13. WMNZ intends to continue its engagement with the iwi authorities and Treaty settlement entities listed in the CVA. WMNZ notes that Schedule 1 to the Minute does not include Ngāti Rango. The CVA identifies Ngāti Rango, with Ngāti Manuhiri and Te Kawerau ā Maki, as the mana whenua with the strongest relationships with the Redvale Landfill site. WMNZ supports Ngāti Rango attending the Conference and being invited to comment on the Application under section 53 of the FTAA.

Principal environmental effects at issue

14. Based on engagement to date, including the referral comments and public consultation, WMNZ anticipates the principal environmental effects likely to be in issue are:

(a) **Air quality**: odour was a key concern raised during consultation before referral. The Project has refined odour management following consultation and proposes to manage this through waste acceptance controls, separation of putrescible and non-putrescible waste within the Class 1 expansion area, staged removal of the existing cap only immediately before waste placement, continued daily cover and landfill gas capture, as assessed and detailed in Technical Report D of the Application.

(b) **Human health**: the risk of Redvale Landfill having effects on human health is another concern raised during consultation. WMNZ therefore undertook a Screening Health Risk Assessment ("**SHRA**") of the combined off-site effects from the existing Redvale Landfill and the Project. Overall, the SHRA demonstrates on a conservative

6 This letter is provided in Appendix H of the AEE.
8 This engagement is detailed in Section 8 of the AEE and Appendix F3 of the AEE.

screening-level basis that, with current and proposed controls in place, the ongoing operation and expansion of Redvale Landfill will not pose unacceptable risks to human health via any identified exposure pathway.

(c) **Traffic**: WMNZ undertook significant consultation with Auckland Council (and formerly Auckland Transport) to narrow the scope of the traffic effects in issue in relation to the Project. Traffic assessment undertaken on behalf of WMNZ concluded that the Project will generate a similar level of traffic to that under current landfill operations and the surrounding road network is assessed as having sufficient capacity.

15. WMNZ does not anticipate cultural effects to be in issue with mana whenua. Ngāti Manuhiri, Ngāti Rango and Te Kawerau ā Maki support the Project, and WMNZ is working with each of them directly, including through relationship agreements approved in principle by WMNZ's Board.

Proposed consent conditions

16. WMNZ has proposed draft conditions[9] and an updated Landfill Management Plan,[10] which build on the existing Redvale Landfill consent conditions and management framework. The proposed conditions do not include conditions directed at mana whenua. That is deliberate. The arrangements between WMNZ and mana whenua sit in agreements between them, and mana whenua are working with WMNZ directly.

17. WMNZ considers any outstanding matters on conditions can be addressed through the process under section 70 of the FTAA.

Processes to understand, resolve or narrow issues

18. WMNZ proposes the following processes to enable the Panel to understand, resolve or narrow the scope of any likely issues and this has been accounted for in WMNZ's indicative timetable at **Appendix A**:

(a) a briefing by WMNZ to the Panel, combined with a site visit to Redvale Landfill with mana whenua, shortly after Panel commencement;

9 Appendix J to the AEE.
10 Appendix K to the AEE.

(b) if issues remain after comments close, expert conferencing on discrete topics, with joint witness statements provided to the Panel, to take place within the evaluation period;

(c) any matters on which the Panel requires clarification being addressed by requests for further information under the FTAA, rather than a hearing; and

(d) any matters relating to conditions being addressed through the section 70 process for providing comments on draft conditions.

19. WMNZ considers it unlikely mediation will be required as WMNZ is proactively engaging with Auckland Council and other parties.

Panel membership

20. WMNZ considers a panel of three members is appropriate for the Application and is not aware of any particular knowledge, skills or expertise required to decide the Application under Schedule 3 clause 7(1) of the FTAA.

Estimated timeframe

21. The Minute directs that the participants respond to the partially populated estimated timeframe set out in Schedule 2 to the Minute.[11] WMNZ agrees with the timeframe as partially populated and considers 60 working days to be sufficient to determine the Application (being an additional 30 working days beyond the statutory minimum timeframe).[12] This timeframe accounts for the level of complexity of the Project described above.

22. There is also significant urgency associated with the Project. Redvale Landfill will be otherwise required to cease accepting waste on 31 December 2028. Redvale Landfill currently receives approximately 600,000 tonnes of waste annually, representing around 40% of Auckland's waste. WMNZ respectfully requests that the Panel Convener have regard to these timing considerations when setting the timeframe under section 79 of the FTAA.

23. An indicative timetable is provided in **Appendix A**.

Attendance at Conference

24. Counsel confirm that WMNZ and its representatives will attend the Conference set down for Tuesday 10 November 2026 at 10 am.

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11 Minute 1 of the Panel Convener, 8 October 2026, at [15].
12 FTAA, section 79(1)(b).

Conclusion

25. WMNZ appreciates the opportunity to comment on the matters above and looks forward to discussing the Project further at the Conference.

DATED: 3 November 2026



Simon Pilkinton | Meg Anderson

Counsel for Waste Management NZ Limited

Appendix A: WMNZ's indicative timetable

Task	Working days	Date
Panel commencement	N/A	7 December 2026
Invite comment from relevant parties	10 W/D	11 January 2027
Comments close (sections 53 & 54 FTAA)	20 W/D	9 February 2027
Comments close for WMNZ (section 55 FTAA)	5 W/D	16 February 2027
Draft decision and conditions to Ministers (section 72 FTAA)		15 March 2027
Response from Ministers (section 72 FTAA)	10 W/D	1 April 2027
Draft decision and conditions to participants (section 70(1) FTAA)		15 March 2027
Participant comments on draft conditions (section 70(2) FTAA)	10 W/D	1 April 2027
WMNZ response to participants on conditions (section 70(4) FTAA)	5 W/D	8 April 2027
Decision release	60 W/D after comments close on 9 February 2027	7 May 2027