



Briefing: Call in Request - Global Contracting Solutions Te Awamutu Waste-to-Energy Proposal

Date submitted: 27 February 2024

Tracking number: BRF-4100

Security level: Sensitivity classification

MfE priority: Non-Urgent

Actions sought from Ministers

<i>Name and position</i>	<i>Action sought</i>	<i>Response by</i>
To Hon Penny SIMMONDS Minister for the Environment	Agree to the actions sought in this briefing	19 March 2024

Actions for Minister's office staff

If agreed by the Minister, **forward** this briefing to:

Hon Chris Bishop, Minister for Infrastructure

Hon Simeon Brown, Minister for Energy

Hon Tama Potaka, Minister for Crown Māori Relations: Te Arawhiti

Hon Simon Watts, Minister of Climate Change

If agreed by the Minister, **send** letters to:

The Environmental Protection Agency

Te Whakakitenga o Waikato

Te Nehenehenui

Raukawa Settlement Trust

Return the signed briefing to the Ministry for the Environment (RM.Reform@mfe.govt.nz and ministerials@mfe.govt.nz)

Appendices and attachments

Appendix A: Letters from Waikato Regional Council and Waipā District Council

Appendix B: Initial assessment of the factors for a proposal of national significance

Appendix C: Draft letter to the Environmental Protection Authority

Appendix D: Te Tiriti o Waitangi analysis

Appendix E: Draft letters to Te Whakakitenga o Waikato, Te Nehenehenui, Raukawa Settlement Trust

Key contacts at Ministry for the Environment

<i>Position</i>	<i>Name</i>	<i>Cell phone</i>	<i>First contact</i>
Principal Author	Shane McGhie		
Responsible Manager	Matthew Barbati-Ross	022 010 2147	✓
General Manager	Liz Moncrieff	022 048 2314	

Minister's comments

Call in Request – Global Contracting Solutions Te Awamutu Waste-to-energy Proposal

Key messages

1. You have asked for advice on the requests you received from Waikato Regional Council (WRC) and Waipā District Council (WDC), to call in multiple resource consent applications by Global Contracting Solutions Limited (GCSL) to build and operate a waste-to-energy facility in Te Awamutu.
2. The proposed facility has attracted public attention, with over 800 submissions received by each council. The applications have also attracted significant media attention and public protest. You have received in excess of 20 emails from individuals asking you to call in the applications. Zero Waste Network requested a call in of the proposal in 2022 when the applications were first lodged.
3. You have the power under the Resource Management Act 1991 (RMA) to call the applications in, that is, make a direction to refer a proposal of national significance to a Board of Inquiry (BoI) or the Environment Court (EC) for decision¹. A call in can occur no later than 5 working days before the date fixed for the commencement of a hearing. A hearing date has not yet been set.
4. We consider that the proposed waste-to-energy facility at Te Awamutu meets a number of the criteria² for calling in the application. We recommend that you seek advice from the Environmental Protection Authority (EPA) on whether the matter is a proposal of national significance, whether to call the matter in or not, and where to refer the matter.
5. You have statutory considerations under Treaty settlements if exercising your call in power. We recommend that you send letters asking for views on the call in request to Te Whakakitenga o Waikato in relation to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Te Nehenehenui in relation to Nga Wai o Maniapoto (Waipa River) Act 2012, and Raukawa Settlement Trust in relation to the Raukawa Claims Settlement Act 2014.
6. Call in can provide for a streamlined decision-making process by removing the standard council consenting process and appeals to the EC, and limiting appeals to points of law only. Referral to a BoI would require a decision within 9 months, whereas there is no time by which the EC must decide the matter. An EC decision can however establish case law which can inform future consenting processes.
7. Due to the timing of the application, which was during the statutory bar in the RMA on consideration of discharges on climate change, the councils are unable to consider greenhouse gas (GHG) emissions for the application. However, this statutory bar does not apply to this application if it is called in, and therefore GHG emissions could be considered by a BoI or the EC.

¹ RMA section 142

² RMA section 142(3)

Recommendations

We recommend that you:

- a. **note** Waikato Regional Council and Waipā District Council have both requested that you call in the resource consent applications by Global Contracting Solutions Limited for a waste-to-energy facility in Te Awamutu.
- b. **note** that Section 17 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and section 8(2) of the Nga Wai o Maniapoto (Waipa River) Act 2012 provide that a person carrying out functions under the RMA that relate to the Waipā or Waikato Rivers or activities in the catchments that affect the Waipā or Waikato Rivers must have particular regard to Te Ture Whaimana.
- c. **agree** to send a letters asking for views on the call in request for the Global Contracting Solutions Limited proposed waste-to-energy facility in Te Awamutu to Te Whakakitenga o Waikato in relation to the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Te Nehenehenui in relation to Nga Wai o Maniapoto (Waipa River) Act 2012, and Raukawa Settlement Trust in relation to the Raukawa Claims Settlement Act 2014.

Yes | No | Discuss

- d. **agree** to seek advice from the Environmental Protection Authority on whether the Global Contracting Solutions Limited waste-to-energy facility proposal for Te Awamutu is, or is part of, a proposal of national significance, whether to call the matter in or not, and whether to refer the matter to a Board of Inquiry or to the Environment Court.

Yes | No | Discuss

- e. **agree** to request that the Environmental Protection Authority seek the views of the applicant, local authorities, Te Whakakitenga o Waikato, Te Nehenehenui, Raukawa Settlement Trust, and any hapū and marae that may be directly impacted by the proposed Global Contracting Solutions Limited waste-to-energy facility in Te Awamutu.

Yes | No | Discuss

- f. **agree** to request that the Environmental Protection Authority forward a copy of its recommendations to Te Whakakitenga o Waikato, Te Nehenehenui and Raukawa Settlement Trust when it serves a copy on Global Contracting Solutions Limited, Waikato Regional Council and Waipā District Council.

Yes | No | Discuss

- g. **forward** copies of this briefing note to Minister for Infrastructure, Hon Chris Bishop, the Minister for Energy, Hon Simeon Brown, Minister for Crown Māori Relations: Te Arawhiti, Hon Tama Potaka, and the Minister of Climate Change, Hon Simon Watts.

Yes | No | Discuss

Signatures



Matthew Barbati-Ross
Manager – Resource Management Systems
Ministry for the Environment
27 February 2024

Hon Penny SIMMONDS
Minister for the Environment

Date

Call in Request — Global Contracting Solutions Limited Te Awamutu Waste-to-Energy Proposal

Purpose

1. You have asked for advice on the requests you received from Waikato Regional Council (WRC) and Waipā District Council (WDC) to call in multiple resource consent applications by Global Contracting Solutions Limited (GCSL) to build and operate a waste-to-energy facility in Te Awamutu, as a proposal of national significance under Section 142 of the Resource Management Act 1991 (RMA).

Background

Councils requested you call in consents for a waste-to-energy facility in Te Awamutu

2. The proposed waste-to-energy facility in Te Awamutu would use approximately 456 tonnes per day of municipal waste from across the Waikato region, to convert waste to steam and produce electricity for the local and national grid. The site is on the northern bank of the Mangapiko Stream, a tributary of the Waipā and Waikato rivers.
3. The facility would produce approximately 131 GWh energy per year. Transpower note that Waikato region's electricity demand is set to grow approximately 32 percent over the next 15 years, and the proposed facility would help defer the timing of future transmission grid upgrades for Te Awamutu's growing demand.
4. The proposal requires several district and regional-level resource consents, including discharges to air, water, and land use. Applications were lodged on 3 December 2021 and publicly notified on 4 September 2023. WRC and WDC received 822 and 874 submissions respectively. A date for a hearing has not been set however the councils have indicated it could be in April 2024.
5. There has been media and public interest including protest. You have also received in excess of 20 items of correspondence from individuals. Zero Waste Network requested a call in 2022 when the application was first lodged. A call in was not made at that time.
6. Letters requesting call in were received from WRC on 15 December 2023 and from WDC on 7 February 2024 (attached at Appendix A). They consider the proposal is of national significance and that call in enables a more efficient process. They suggest referral to a Board of Inquiry (BoI) rather than the Environment Court (EC). In particular, WRC emphasised that referral to a BoI would provide for Waikato River Authority representation, whereas referral to the EC would not. WDC also suggests a BoI process, noting that it is less costly and confronting for submitters than the EC and could be held locally.

Other waste-to-energy proposals have been processed under the RMA

7. There have been two other recent waste-to-energy facility applications in New Zealand, one in Feilding in the Manawātū, and one in Waimate, South Canterbury. The proposed Feilding facility went through the council consent process and was withdrawn by the applicant in June 2023. The proposed Waimate facility resource consent applications were called in and referred to the EC on 31 August 2023. A court date is yet to be set.

Waste-to-energy facilities are not inconsistent with the Aotearoa New Zealand Waste Strategy

8. Goal six of the Aotearoa New Zealand Waste Strategy looks for ways to recover any remaining value from waste, sustainably and without increasing GHG emissions. While this allows scope for waste-to-energy facilities, these must balance other principals and considerations, including inputs, outputs and emissions. The Waste Strategy is not a statutory RMA consideration.

The plant's emissions will be regulated under the Emissions Trading Scheme

9. The operator of the proposed waste-to-energy facility would be a mandatory participant in the New Zealand Emissions Trading Scheme (NZ ETS) and face costs for GHG emissions. The NZ ETS does not determine if a particular activity or proposal should be undertaken.

You have statutory considerations if you are considering a call in

10. Under the RMA, you have discretion on whether to call in a proposal. You may consider a call in on your own initiative or when you receive a request from an applicant or council³. In this instance, you have specific obligations under Treaty settlements (Te Tiriti analysis refers, para 26).
11. You can call in a matter if you consider it to be a proposal or part of a proposal of national significance by making a statutory direction and refer it to either a Bol or EC⁴. You have discretion in deciding whether a proposal is of national significance as you may have regard to any relevant factor and advice from the Environmental Protection Authority⁵.
12. In making a direction, you must have regard to the views of the applicant and councils, the capacity of the local authority to process the matter and the recommendations of the EPA⁶. There is no RMA requirement for you to consult.
13. The EPA must provide advice to you within 20 working days and serve a copy of its recommendations on the applicant and local authority⁷. A call in can occur no later than 5 working days before the date fixed for the commencement of a hearing.⁸

Analysis and advice

We recommend that you seek advice from the Environmental Protection Agency if you are considering a call in

³ RMA s.142(1)

⁴ RMA s.142(2)

⁵ RMA s.142(3)

⁶ RMA s.142(4)

⁷ RMA s. 144A

⁸ RMA s.144

14. Our preliminary assessment is that the proposal demonstrates some of the factors that you can consider for a proposal of national significance. This is summarised below and a detailed analysis is attached as Appendix B.

Relevant section 142(3) factors	Assessment	Factor identified by WRC and/or WDC
<p><u>Public concern or interest</u></p> <p>Has aroused widespread public concern or interest regarding its actual or likely effect on the environment (including the global environment).</p>	<p>The proposal has aroused widespread public concern, having attracted over 800 submissions to each council, receiving significant media attention, been the subject of public protest, and you have received in excess of 20 individual emails supporting a call in.</p>	Yes
<p><u>New Zealand international obligations</u></p> <p>Affects or is likely to affect or is relevant to New Zealand's international obligations to the global environment.</p>	<p>Our initial view is that the estimated greenhouse gas (GHG) emissions for the Te Awamutu facility (between 145 kt and 165 kt p/a CO₂-e) are significant at a national level. When adjusted for size, this is significantly more than the Waimate facility, which was recently called in.</p>	Yes
<p><u>Irreversible change to the environment</u></p> <p>Results or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment).</p>	<p>Our initial view is that the estimated GHG emissions for the Te Awamutu facility are significant at a national level. All emissions of fossil-based CO₂ are additions to atmospheric concentrations and contribute to human induced climate change. Some of that addition will remain in the atmosphere for thousands of years.</p>	Yes
<p><u>Technology new to New Zealand</u></p> <p>Involves or is likely to involve technology, processes, or methods that are new to New Zealand and that may affect its environment.</p>	<p>There is not currently an operative municipal waste-to-energy facility in New Zealand.</p>	Yes
<p><u>Treaty of Waitangi</u></p> <p>Is or is likely to be significant in terms of Section 8 – Treaty of Waitangi</p>	<p>The proposal is likely to be significant in the context of Treaty settlements and Te Ture Whaimana as it involves land uses and discharges of contaminants to air and water in proximity to a tributary of the Waipā and Waikato rivers.</p>	Yes

Any relevant factor	The proposed generation would help defer the timing of future transmission grid upgrades to meet Te Awamutu's growing demand.	No
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15. In addition, the RMA requires consideration of the capacity of the councils to process the matter. There is presently no indication that the WRC and WDC do not have the capacity to process the matter.
16. If you agree that the proposal could be a proposal of national significance, then you can seek advice from the EPA on whether they consider the proposal is a matter of national significance, and where they recommend referring the matter.
17. If you choose to ask the EPA for advice, you can also request they seek the views of the GCSL and the councils on your behalf as you are required to consider those views under the RMA. While the councils have written to you to request a call in, the EPA would generally ask for their view again to ensure that all information is available to inform their advice. Similarly, the EPA can seek the views of hapū, iwi and marae that may be directly impacted by the proposed facility (Te Tiriti analysis refers, para 26).
18. We understand from engagement with WRC officials that GCSL initially advised they do not request or support a call in. The letter from WDC however notes "the applicant has not taken a position on the call in request."
19. We recommend that you seek advice from the Environmental Protection Authority on whether the GCSL waste-to-energy facility proposal for Te Awamutu is, or is part of, a proposal of national significance, whether to call the matter in or not, and whether to refer the matter to a Board of Inquiry or to the Environment Court. Also, that the EPA seek the views of the GCSL, WRC, WDC, Te Whakakitenga o Waikato, Te Nehenehenui, Raukawa Settlement Trust, and any hapū and marae that may be directly impacted by the proposed facilities. A draft letter for your consideration is in Appendix C.

Call in can streamline decision-making and inform future decisions

20. Given the significant interest in the applications, there is an increased likelihood that any decision by the councils would be appealed to the EC. Calling in this proposal can streamline decision-making by removing the standard council consenting process and appeals to the EC and limiting any appeals to points of law only. This can mean lower costs and time requirements for the applicant and submitters. This was a factor in WDC requesting a call in.
21. If called in, renotification of the applications by the EPA would be required. While this would cause an initial delay and duplication of the council process, this is not considered significant in comparison to the likely timeframe and costs of appeals to the EC.

22. A Bol and the EC have different procedural implications including:

Referral	Benefits	Limitations
Board of Inquiry	<ul style="list-style-type: none"> • Appeals are limited to points of law only. • Decision made within 9 months⁹. • Treaty settlements provide clarity on iwi participation in Bol members' appointment. • Less formal than EC. 	<ul style="list-style-type: none"> • Will not set case law.
Environment Court	<ul style="list-style-type: none"> • Appeals are limited to points of law only. • Can establish case law which can assist future decisions. 	<ul style="list-style-type: none"> • No time limitations on the decision making. • Less accessible for general public. • Costs of legal counsel. • Does not provide for iwi participation in decision-making processes and poses relationship risks.

23. If you decide to refer the proposal to a Bol, officials will provide you with advice on the process for confirming the appointees to the panel.

GHG emissions can only be considered under the RMA if you call in

24. Due to the timing of when the applications were lodged, which was when there was a statutory bar in the RMA on consideration of discharges of greenhouse gas emissions (GHG) on climate change, the councils are unable to consider these effects for this proposed facility. However, this statutory bar does not apply to these applications if called in, and therefore the effects of GHG emissions on climate change could be considered by a Bol or the EC.

25. The statutory bar was not applied to decisions of a Bol and the EC, which provides for the Minister for the Environment to enable the GHG emissions of proposals of national significance to be considered under the RMA.

Te Tiriti analysis

We recommend that you engage with Post Settlement Governance Entities if you are considering directing a call in

26. As a Minister of the Crown, you can engage with hapū, iwi, and Post Settlement Governance Entities (PSGEs) in the context of wider te Tiriti/Treaty of Waitangi considerations when making statutory decisions. A detailed te Tiriti analysis is attached at Appendix D.

⁹ RMA s.149S(1) The Minister may grant an extension of time if special circumstances apply, however this extension of time may not exceed 18 months, without the applicant's agreement.

27. The Treaty settlement legislation in place for this area includes the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, Nga Wai o Maniapoto (Waipa River) Act 2012 and Maniapoto Claims Settlement Act 2022. Te Whakakitenga o Waikato and Te Nehenehenui are the respective PSGEs. Raukawa Settlement Trust as the PSGE for the Raukawa Claims Settlement Act 2014 may also have an interest because of the discharge to air and the location of the facility relative to their rohe. There are also relevant accords and relationship agreements which confer engagement responsibilities on the Crown.
28. If you are considering a call in of these consents, you must have particular regard to Te Ture Whaimana in your RMA decision-making, as required by the Waikato River and Waipā River settlement legislation. Te Ture Whaimana sits ahead of all other subordinate legislation or planning documents under the RMA in relation to activities affecting the Waipā and Waikato Rivers.
29. In addition, if you refer the proposal to a Bol, the Bol panel would be required to be made up of equal numbers of Waikato River Authority appointees and Crown EPA appointees plus a chairperson. Maniapoto can also suggest members for the Bol panel under their relationship agreement with you. This does not apply if you make a referral to the EC.
30. There are Joint Management Agreements between WRC, WDC and Waikato-Tainui, and between WRC, WDC and Te Nehenehenui, relating to how council resource consenting processes occur. WRC has suggested you refer to a Bol in part because Treaty settlement requirements would also require iwi involvement in decision-making processes. Both Te Whakakitenga o Waikato and Te Nehenehenui will have views on how a call in or council process interacts with their interests and settlement arrangements, including Te Ture Whaimana.
31. We recommend that you engage with Te Whakakitenga o Waikato, Te Nehenehenui and Raukawa Settlement Trust to fulfil your Ministerial responsibilities under Treaty settlements. Letters for your consideration are attached at Appendix E.
32. In addition, we recommend you ask the EPA (a draft letter is in Appendix C) to:
 - a. seek the views of hapū, iwi and marae that may be affected by the proposed discharges, including Waikato-Tainui, Ngāti Maniapoto, Ngāti Raukawa
 - b. forward a copy of its recommendations to Te Whakakitenga o Waikato, Te Nehenehenui and Raukawa Settlement Trust when serving them on the applicant, WRC and WDC.

Other considerations

Consultation and engagement

33. Officials have discussed the application with the EPA, WRC and the WDC.
34. Officials have undertaken initial engagement with officials for Te Whakakitenga o Waikato and Te Nehenehenui. Both groups indicated a strong interest in the proposal

and the process of decision-making for consideration of the call in requests. There were also concerns about the environmental effects of the proposed activity.

35. If you agree the proposal could be of national significance in relation to the Treaty of Waitangi, energy infrastructure and GHG emissions, you may wish to forward this briefing to the Minister for Infrastructure, Minister for Energy, Minister for Crown Māori Relations: Te Arawhiti and the Minister of Climate Change.

Risks and mitigations

36. There is a risk that calling in this application could set an expectation that all resource consent applications for waste-to-energy facilities will be subject to future call in. This risk is mitigated somewhat because GHG emissions are now factors that can be considered by councils under the RMA and call in decisions are taken on a case-by-case basis.
37. Engagement with hapū, iwi and PSGEs at a Ministerial and EPA level provides a strong basis for RMA decision-making and mitigates relationship risks.

Legal issues

38. The decision to call in the application could be subject to a judicial review. This risk is mitigated by the fact the councils have requested a call in, if the views of the applicant and Treaty partners are considered, and if you decide to undertake the statutory steps required including requesting advice from the EPA.

Financial, regulatory and legislative implications

39. A call in and referral to a BoI confers costs on the EPA. which is funded through Vote Environment. These are recoverable from the applicant¹⁰, who has the right to object¹¹.
40. A call in and referral to the EC confers costs on the EC which is funded through Vote Courts. The EC has discretion to recover these from the applicant¹².

Next steps

41. If you agree, letters will be sent to Te Whakakitenga o Waikato, Te Nehenehenui, Raukawa Settlement Trust and to the EPA by your office.
42. If you agree, copies of this briefing note will be forwarded by your office to the Minister for Energy, Hon Simeon Brown, Minister for Infrastructure, Hon Chris Bishop, Minister for Crown Māori Relations: Te Arawhiti, and the Minister of Climate Change, Hon Simon Watts.
43. We can meet with you if you wish to discuss our advice.

¹⁰ RMA s.149ZD

¹¹ RMA s.357B

¹² RMA s.285

Appendices

Appendix A: Letters from Waikato Regional Council and Waipā District Council

Appendix B: Initial assessment of the factors for a proposal of national significance

7 February 2024

LU/0323/21

11163954

Penny Simmonds – Minister for the Environment
Private Bag 18888
Parliament Buildings
Wellington 6160

Email: penny.simmonds@parliament.govt.nz

Dear Minister

Request For Call In of Resource Consent Application Under Section 142(2) of the RMA - Global Contracting Solutions Ltd - Waste Incineration Plant

I write to you on behalf of Waipā District Council (Waipā) to request you make a direction under Section 142(2) of the RMA, to call in the resource consent applications lodged by Global Contracting Solutions Ltd (GCS) for a waste incineration plant proposed in Te Awamutu.

This request supports the same request made of you by Waikato Regional Council (WRC) in December 2023.

In summary, the applicant's proposal will involve the site accepting approximately 480 tonnes of feedstock daily via trucks. The feedstock will include Municipal Solid Waste (MSW), plastic, tyres and car flock. The proposal suggests approximately 15MW of electricity will be generated from the combustion of 400 tonnes of refuse per day, much of that trucked in from outside the district.

Waipā received this resource consent application in December 2021 to construct and operate the plant. GCS has also applied for resource consents from the Waikato Regional Council for discharge of contaminants to air and water. The applications were jointly publicly notified, and the submission period closed on the 13 October 2023 with almost 900 submissions received by each consenting authority. The vast majority of submissions to each consenting authority opposed the plant, and a joint hearing is now being organised.

In December 2023, Waikato Regional Council wrote to you requesting you call in their resource consent application due to concerns the proposal reaches the threshold to be considered of national significance in accordance with various factors listed in Section 142(3) of the RMA. WRC's concerns relate to the potential for emission of greenhouse gas and effects on climate change and their inability to have regard to these effects due to the application being lodged prior to amendments to the RMA allowing such. In addition, WRC believes the proposal is of national significance, in that the development involves technology, processes, or methods new to New Zealand and that may affect its environment.

Waikato Regional Council liaised directly with Waipā on this issue prior to making their request. Waipā was unable to make the same request at the time due to the different levels of delegation within each organisation. We have now met with the appropriate Council committee which has formally directed staff to make the same request of you.

Given that, and noting Waikato Regional Council's request of December 2023, Waipā also requests you make a direction under Section 142(2) of the RMA, to call in the resource consent application lodged by Global Contracting Solutions (GCS).

Waipā has been working to ensure the local community is well-informed and provided with the most appropriate and accessible path to be involved in this process. The number of submissions, as well as the public protests and discussions held to date, indicate very high levels of interest.

It is our view that any decision-making around this issue must be clear and consistent and that, if possible, there should be only one hearing process undertaken. If not, this has the potential to become both expensive and cumbersome for both councils, for the applicant and for the wider community.

If the Minister agrees to accept the requests from both councils and make a direction to call in this application, Waipā would like to strongly advocate for the Board of Inquiry process. A Board of Inquiry process is less confronting than the Environment Court for our lay-community submitters and is less likely to require lawyers (and their additional cost) for our submitters. Most importantly, it could be held locally (Te Awamutu being our preference, given 575 submitters advise they wish to be heard). This is a position strongly supported by Waipā's elected members.

The applicant has not taken a position on the call in request.

The application documents are available using the following link: [Global Contracting Solutions Limited – Waste Incineration Plant | Waipā District Council](#).

If you require any further information or wish to discuss the matters raised, please contact me directly.

Yours sincerely



Wayne Allan
GROUP MANAGER DISTRICT GROWTH & REGULATORY SERVICES

File No: 61 82 69A
Document No: 27955104
Enquiries to: Hugh Keane

15 December 2023

Attention: Minister for the Environment

Penny Simmonds
Private Bag 18888
Parliament Buildings
Wellington 6160

Email: penny.simmonds@parliament.govt.nz

Dear Minister

Request For Call In of Resource Consent Application Under Section 142(2) of the RMA - Global Contracting Solutions - Waste to Energy Plant

I write to you on behalf of the Waikato Regional Council (WRC) to request that you make a direction under Section 142(2) of the RMA, to call in the resource consent applications lodged by Global Contracting Solutions (GCS) for a Waste to Energy Plant proposed in Te Awamutu.

In summary the applicant's proposal will involve the site accepting approximately 480 tonnes of feedstock daily via trucks. The feedstock will include Municipal Solid Waste (MSW), plastic, tyres and car flock. The overall aim of the proposal is to generate approximately 15MW of electricity from the combustion of 400 tonnes of refuse per day.

The WRC originally received the application on 3 December 2021 and the applicant has applied for three resource consents including the discharge of contaminants to air and water. GCS have also applied for resource consents from the Waipā District Council to construct and operate the plant. The applications have been jointly publicly notified; the submission period closed on the 13 October 2023 with 813 submissions being received by the WRC opposing the application. A joint hearing is currently being organised for April 2024.

Following review of submissions and all relevant information, the WRC considers that the proposal reaches the threshold to be considered of national significance in accordance with various factors listed in Section 142(3) of the RMA as summarised below.

The WRC has identified that there is potential for emission of greenhouse gas and effects on climate change that is relevant to the following factors:

- Affects or is likely to affect or is relevant to New Zealand's international obligations to the global environment; and
- Results or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment).

The application was lodged prior to the RMA amendments to allow the consideration of greenhouse gas emissions and the effects on climate change of activities (through the repeal of section 104E of the RMA

on 30 November 2022). Therefore, the WRC cannot have regard to the effects of greenhouse gas on climate change. However, if the application is called in the WRC understands that a Board of Inquiry or Environment Court can consider the greenhouse gas emissions and the effects on climate change. Therefore, to allow greenhouse gas emissions to be considered the WRC is requesting that the Minister call in this application.

The submissions indicate a large amount of public concern relating to the factor that involves or is likely to involve technology, processes, or methods that are new to New Zealand and that may affect its environment. The WRC considers that this is another factor where the threshold has been met for the proposal to be of national significance.

The WRC has been in contact with relevant Waikato Iwi partners regarding this request for call in. While there are no provisions for a request to call in under the relevant Joint Management Agreements, Section 29 of the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010 is relevant. Section 29 applies if the Minister decides to call in and refers this application to a Board of Inquiry that allows Waikato River Authority (WRA) representation. Note that that WRA involvement does not apply if the application is referred to the Environment Court.

In the interest of maintaining the relationship with our Iwi partners we request that if the Minister decides to call the application in it is referred to a Board of Inquiry rather than the Environment Court. We consider this would also be helpful for the community which, to date, has taken a very strong interest in this Application. We note 575 submitters advise that they wish to be heard.

Given a joint hearing was proposed, we have also liaised directly with Waipā District Council on this issue. Waipā District Council officers advise they do not have delegated authority to request a call in and note the earliest a decision could be made by Council would be in February 2024. A formal recommendation from staff to request a call in will be made at the February 2024 Council meeting.

The application documents, including other technical reports are available using the following link:
[Global Contracting Solutions Limited – Waste to Energy plant | Waikato Regional Council](#).

If you require any further information or wish to discuss the matters raised, please contact Hugh Keane, hugh.keane@waikatoregion.govt.nz or 0800 800 401.

Yours faithfully



Hugh Keane
Acting Manager – Regional Consents

Appendix B: Initial assessment of the factors for a proposal of national significance

1. Our initial analysis suggests that the applications demonstrate some of the factors you can consider under section 142(3) of the RMA as below.

Public concern or interest¹

2. The proposed facility has generated widespread public concern or interest regarding its actual or likely effects on the environment (including the global environment). As noted by both councils, over 800 submissions were received by each council, with the majority of submissions opposing the application on the actual or likely effects on the environment. The application has also attracted ongoing media attention and public protest (Te Awamutu, 8 October 2023).
3. Submissions were received from individuals and organisations, with a preliminary analysis of submissions identifying discharges to air and water, in a location close to sensitive activities, such as schools, childcare and elderly facilities, and food processing, as significant factors in opposing the application. The concerns relate primarily to human and environmental health and localised impacts related to transportation, and other effects from an industrial activity.
4. You have also received letters and emails from in excess of 20 individuals asking you to call in the application. The reasons for supporting a call in mirror many of those raised in submissions to the Councils.
5. Zero Waste Network requested a call in in 2022 when the application was first lodged. A call in decision was not made at that time.

New Zealand's international obligations²

6. New Zealand's international obligations to the global environment, such as our international climate change agreements, could be impacted by the estimated greenhouse gas (GHG) emissions from the facility. Under the Paris Agreement, New Zealand has committed to a 50 percent reduction of net emissions below our gross 2005 level by 2030. There is currently a gap between that target and projected emissions. New emission sources, such as the proposed facility, will widen that gap and increase the cost to the Government of meeting the international commitment.

Irreversible change to the environment³

¹ RMA s.142(3)(a)(i) provides that "in deciding whether a matter is, or is part of, a proposal of national significance, the Minister may have regard to any relevant factors including whether the matter has aroused widespread public concern or interest regarding its actual or likely effect on the environment (including the global environment)".

² RMA s.142(3)(a)(iv) provides that "in deciding whether a matter is, or is part of, a proposal of national significance, the Minister may have regard to any relevant factors including whether the matter affects or is likely to affect or is relevant to New Zealand's international obligations to the global environment".

³ RMA s.142(3)(a)(v) provides that "in deciding whether a matter is, or is part of, a proposal of national significance, the Minister may have regard to any relevant factors including whether the matter results or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment)".

7. The estimated amount of GHG emissions will result or is likely to result in or contribute to significant or irreversible changes to the environment (including the global environment). All emissions of fossil-based CO₂ are additions to atmospheric concentrations and contribute to human induced climate change. Some of that addition will remain in the atmosphere for thousands of years.

Technology new to New Zealand⁴

8. There are currently no municipal waste-to-energy facilities in New Zealand. The proposal therefore involves technology, processes, or methods that are new to New Zealand and that may affect the environment.

Treaty of Waitangi⁵

9. The proposal is likely to be significant in terms of section 8 of the RMA, which requires the principles of Te Tiriti o Waitangi to be taken into account in relation to 'managing the use, development, and protection of natural and physical resources.' The assessment against Te Tiriti o Waitangi is set out in Appendix D.

Any relevant factor⁶

10. The consent application includes a letter from Transpower noting that the Waikato Region's electricity demand is set to grow approximately 32 percent over the next 15 years, and the proposed Te Awamutu generation would help defer the timing of future transmission grid upgrades to meet Te Awamutu's growing demand.

GHG emissions from the proposed facility

11. An issue unique to consider for the potential call in of any waste-to-energy proposal submitted prior to 30 November 2022, are the implications of the statutory bar under section 70A of the RMA for considering GHG emissions that was in place when the applications were lodged with the councils. As WRC was unable to consider GHG emissions, the application that is being considered for call in, does not include any information or assessments on GHG emissions.
12. The EPA has the ability, under section 149(2) of the RMA, to request an applicant provide further information relating to the matter, and/or commission a report on an issue. If you decide to ask for advice from the EPA, the EPA may use section 149(2) of the RMA to request further information on GHG emissions, or any other information considered necessary. The EPA must provide you with a call in recommendation, whether or not the applicant provides the information requested.

⁴ RMA s.142(3)(a)(vi) provides that "in deciding whether a matter is, or is part of, a proposal of national significance, the Minister may have regard to any relevant factors including whether the matter involves or is likely to involve technology, processes, or methods that are new to New Zealand and that may affect its environment"

⁵ RMA s.142(3)(a)(vii) provides that "in deciding whether a matter is, or is part of, a proposal of national significance, the Minister may have regard to any relevant factors including whether the matter involves or is likely to be significant in terms of section 8".

⁶ RMA s.142(3)(a) provides that "in deciding whether a matter is, or is part of, a proposal of national significance, the Minister may have regard to any relevant factors".

13. Officials have estimated the possible amounts of GHG emissions from the Te Awamutu facility to be between 145 to 165 kt p/a CO₂e, based on feedstock assumptions. This number agrees with the 2022 letter from the Zero Waste Network which estimated the emissions to be 150 kt p/a CO₂-e. The letter from the Zero Waste Network does note that there could be offset to these emissions, which may reduce the net emissions of the facility to 65 kt p/a CO₂-e. Officials have not verified these offsets.
14. We note that the emissions estimated for the Te Awamutu facility is higher than that of the estimate of the emissions from the proposed facility in Waimate which was called-in on 31 August 2023 (when standardising for the amount of input waste). This is because the Te Awamutu facility is proposing that 20% of its feedstock is plastic only, which creates a significant amount of GHG emissions.
15. In assessing whether the emissions from the proposed facility may be nationally significant, we have made a comparison with RMA national direction for industrial greenhouse gas emissions, and the Climate Implications of Policy Assessments (CIPA), required for all policy proposals for Ministers and Cabinet.

RMA national direction

16. The National Environmental Standards for Greenhouse Gases from Industrial Process Heat (NES-GHG) came into force on the 27 July 2023. The NES-GHG requires a resource consent and emission reduction actions to be taken for discharges of 500 tonnes of CO₂e per year (0.5 kt p/a CO₂e) and above, as long as they meet other criteria. While it is unclear whether the other criteria are met, and therefore whether the NES-GHG will cover this facility, this threshold is significantly less than the estimated amount of GHG emissions for the proposed Te Awamutu facility.
17. The Government's threshold for significance for requiring CIPA for policy proposals is for proposals resulting in an impact of 500 kt p/a CO₂e within the first ten years (approximately 50 kt p/a CO₂e). This is the threshold for when we expect the emissions impact of policy proposals to be modelled. The estimated amount of GHG of the proposed facility in Te Awamutu is above this threshold.

Emissions Reduction Plan

18. The Emissions Reduction Plan is for more renewable, low-emissions energy production. Waste-to-energy by incineration of fossil-fuel derived materials is not considered renewable energy because the raw materials are largely derived from fossil fuels. Burning natural gas is potentially more efficient than the proposed facility when considering plastics and other fossil energy intense feedstock production emissions. It is also not aligned with the definition of renewable electricity in the National Policy Statement on Renewable Electricity Generation 2011.

Emission Trading Scheme

19. The operator of the waste to energy facility would be a mandatory participant in the New Zealand Emission Trading Scheme (NZ ETS) and face costs for GHG emissions⁷. The

⁷ There are five participants currently registered for combusting waste for energy, including Fletcher Cement (used tyres) and Oji Fibre Solutions (used oil).

emissions that it reports under the NZ ETS will depend primarily on the amount of non-organic waste incinerated, including plastics⁸. If the waste is sorted prior to incineration, this will influence GHG emissions and costs.

20. For comparison, emissions from waste disposed at landfill depend on tonnage and whether the landfill collects and destroys gas. The methane from the biodegradation of organic waste in landfills is generally captured and destroyed. No greenhouse gas emissions occur from the deterioration of non-organics.

The Aotearoa New Zealand Waste Strategy

21. Goal six of the Waste Strategy looks for ways to recover any remaining value from waste, sustainably and without increasing emissions. While goal six does allow scope for waste to energy facilities, it does so under the need to balance competing principles and considerations. When deciding the value of the technology, the purpose, feedstock, process (including potential emissions) and amount of energy produced all needs to be considered.
22. The Waste Strategy also notes that initiatives that are underway to reduce, reuse and recycle waste may significantly change the amount of waste available for these facilities and make them unviable in the longer term. Finally, the strategy specifically states that “Pyrolysis and gasification of municipal solid waste is unlikely to align with our circular economy goals, due to its climate impacts, dependency on continued linear waste generation, and likelihood of hazardous discharge”.⁹
23. The proposed facility is not pyrolysis or gasification of municipal solid waste, but it is incineration of municipal solid waste. Of additional concern is that these facilities require a steady stream of waste to remain viable. Internationally, this has created an incentive for additional waste to be created, or at least a disincentive to reduce waste.
24. While not necessarily an issue to consider for a call in of this application, we note that currently all waste-to-energy facilities are excluded from potential coverage by the waste levy, which gives an economic incentive to fund and build new facilities. This could be changed under any possible amendments to waste legislation, to enable regulations to apply the levy to specified types of waste to energy facilities in future.

⁸ CO₂ emissions from burning organic waste are not counted as they are part of the biogenic cycle.

⁹ Aotearoa New Zealand Waste Strategy pp46 [Te-rautaki-pa-ara-Waste-strategy.pdf \(environment.govt.nz\)](https://environment.govt.nz/te-rautaki-pa-ara-waste-strategy/).

Appendix C: Draft letter to the Environmental Protection Authority

Dr Allan Freeth
Chief Executive
Environmental Protection Authority
[email address to be added in]

Kia ora Allan

I am considering calling in Global Contracting Solutions Limited's resource consent applications to construct and permanently operate a waste-to-energy incinerator located on 11 Ha of a 64.1 Ha property at 401 Racecourse Road, Te Awamutu.

Before I make my decision, I request under section 144A of the Resource Management Act 1991 (RMA) that the EPA advise me on whether the proposal is a matter of national significance and, if so, whether the matter should be called in, and if called in, whether to refer it to a Board of Inquiry or to the Environment Court.

Under section 142(4) I must also seek the views of Waikato Regional Council, Waipā District Council and Global Contracting Solutions Limited when making my decision. Although I already have the initial views of the councils in their requests to call in these applications, please can you request their views and include them in your advice to me.

Although section 142(4) does not require me to seek the views of hapū/iwi, given the interest shown on this matter, and having regard for Te Ture Whaimana, would you also please seek the views of Te Whakakitenga o Waikato, Te Nehenehenui and Raukawa Settlement Trust, any hapū and marae that may be directly impacted by the proposed facilities, and include these views in your advice.

Would you also please forward a copy of the advice you provide to me to Te Whakakitenga o Waikato, Te Nehenehenui and Raukawa Settlement Trust when you serve a copy on Global Contracting Solutions Limited, Waikato Regional Council and Waipā District Council.

Yours sincerely

Hon Penny Simmonds
Minister for Environment

Appendix D: Te Tiriti Analysis

Upholding Treaty Settlements

1. The proposed facility site is on the northern bank of the Mangapiko Stream in Te Awamutu, in the southern part of Waikato-Tainui's rohe, and the northern part of Maniapoto's rohe. The site also borders the rohe of Raukawa and there are several hapū and marae in the area. The project area is within Lower Waikato - Area A to which Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy) and a range of other Treaty settlement arrangements apply.
2. The Mangapiko stream is a tributary of the Waipā River, which in turn flows into the Waikato River. The Vision and Strategy is prepared by the Waikato River Authority and is intended by Parliament to be the primary direction-setting document for the Waipā River and the Waikato River and activities within their catchments affecting the Waipā River and the Waikato River.¹ Waikato-Tainui, Maniapoto and Raukawa are involved in the Waikato River Authority through their respective Treaty settlements.
3. The Waiwaia Accord between the Crown and Maniapoto records that Maniapoto have interests in: (i) the Lower Waipā River which are recognised in the co-governance framework for the Waikato River; and (ii) the Upper Waipā River, which are recognised exclusively in the Deed in relation to Co-Governance and Co-Management of the Waipā River. Maniapoto and the Crown are parties to a Deed In Relation to Co-Governance and Co-Management of the Waipā River in which they have agreed to work together in a new era of co-governance and co-management over the Waipā River.
4. The Waikato River Settlement Act 2010 together with the Nga Wai o Maniapoto (Waipa River) Act 2012 provides that a person carrying out functions under the Resource Management Act 1991 (RMA) or other listed legislation that relate to the Waipā or Waikato Rivers or activities in the catchment that affect those rivers must have particular regard to Te Ture Whaimana.²
5. The Raukawa Claims Settlement Act 2014 may also be relevant because of the discharge to air and the location of the facility relative to the Raukawa rohe.
6. There are early engagement obligations provided for in the Treaty settlements of Waikato-Tainui, Maniapoto and Raukawa that are relevant here. These include provisions in the Kiingitanga³ and Environment Accords⁴ with Waikato-Tainui, the

¹ Section 4 of the Nga Wai o Maniapoto (Waipa River) Act 2012.

² Section 17 of the Waikato River Settlement Act 2010 and section 8(2) of the Waipa River Act 2012.

³ The Kiingitanga Accord provides that 'the Crown and Waikato-Tainui have committed to enter into a new era of co-management in respect of the Waikato River. The principle of co-management includes: (i) The highest level of good faith engagement.'

⁴ The Environment Accord between Waikato-Tainui and the Minister for the Environment and Secretary for the Environment provides for: 'b) ensuring early engagement on issues that the Secretary has the mandate from the Minister to work on; c) operating a 'no surprises' approach; and g) committing to the highest level of engagement as indicated in this Accord and consistent with the principle of co-management.

Waiwaia Accord,⁵ Environment Accord⁶ and Relationship Agreement⁷ with Maniapoto, and the Raukawa-Crown Accord⁸ and Raukawa Environment Accord⁹. Early engagement with Waikato-Tainui, Maniapoto and Raukawa in this process is recommended in line with these obligations before a call in or referral decision is made.

7. Section 29 of the Waikato River Settlement Act 2010 requires that in the event an application is referred to a Board of Inquiry through a call in process, there must be an equal number of Waikato River Authority appointees as Crown Environmental Protection Authority (EPA) appointees, as well as a chairperson appointed under s149J of the RMA.
8. Maniapoto's Relationship Agreement with the Minister for the Environment and Secretary for the Environment also provides that Ngāti Maniapoto may also suggest persons to be considered for appointment by the Minister under s 149J of the RMA to boards of inquiry relating to matters directly affecting its area of interest.¹⁰
9. The Act also provides that Te Ture Whaimana will prevail over any inconsistent provision in a national policy statement, New Zealand coastal policy statement or national planning standard (section 12). In that way, it is the primary direction setting document for the Waikato River.
10. In addition to Te Ture Whaimana, Waikato-Tainui, Maniapoto and Raukawa each prepare under their respective settlement Acts, Environment Plans which have statutory weighting under the RMA.¹¹ These include the Waikato-Tainui Environmental Plan, Maniapoto Iwi Environmental Management Plan and the Raukawa Environmental Management Plan. They are also involved in the development of Integrated Management Plans with other agencies which also have statutory weighting.
11. Both Waikato Regional Council and Waipā District Council have joint management agreements (JMAs) with both Waikato Tainui and Te Nehenehenui, which provide for participation in both plan and consent decision making. The JMAs provide for greater Waikato-Tainui participation and decision making in local authority policy and planning as it relates to the Waikato and Waipā Rivers in the geographical area of the JMAs. While the JMAs contemplate Council decision-making processes, they are relevant to the framework in which resource management decisions are normally made in this geographical area.

⁵ The Waiwaia Accord in particular includes a principle recognising 'The deep felt obligation of Maniapoto to restore, maintain and protect all waters within the Maniapoto rohe (Nga Wai o Maniapoto), including the waters that flow into and form part of the Waipa River'.

⁶ Clause 16(b) of the Environment Accord provides for 'early engagement on issues of known mutual interest.'

⁷ Clause 4 of the Relationship Agreement provides for 'early engagement on issues of known mutual interest' and sets out steps where consultation is required.

⁸ Clause 5(b) provides for early engagement on issues of known mutual interest.

⁹ Clause 17 of the Raukawa Environment Accord requires the Minister to take into account the interests of Raukawa when carrying out functions under the Resource Management Act 1991 that directly affect the Waikato River.

¹⁰ Clause 8.3 provides: 8.3 Ngāti Maniapoto may suggest persons to be considered for appointment by the Minister under s 149J of the RMA to boards of inquiry relating to matters directly affecting the area of interest. The Ministry will notify the Trust when the Minister is considering appointing such a board of inquiry.

¹¹ For example, S16(2) Nga Wai o Maniapoto (Waipa River) Act 2012 provides that a consent authority considering an application for a resource consent under section 104 of the RMA must have regard to the environmental plan, if it considers that section 104(1)(c) applies to the plan.

12. Waikato-Tainui in particular have expressed concern that this usual decision-making process would not apply in the event that the application is referred to either a Board of Inquiry or Environment Court.

Te Tiriti o Waitangi and the Resource Management Act

13. Section 8 of the RMA requires the principles of Te Tiriti o Waitangi to be taken into account in resource management matters. The proposal is likely to be significant in terms of section 8 of the RMA.
14. Section 6 of the RMA requires the recognition and provision for matters of national importance, of relevance in this context is section 6(e) in regard to the relationship of Māori and their culture and traditions. As the proposed plant is situated next to Mangapiko Stream and there is a likelihood of discharges of particles into the air and waterways, this should be considered.

Māori-Crown relations

15. There is a kōhanga reo, kura kaupapa and Te Wānanga o Aotearoa campus situated within a short distance of the proposed site.
16. The applications included an email from the chairperson for the Apakura Runanga stating 'we see no problem in offering our support to your proposal going forward'. However, the Runanga are currently consulting with the broader membership to formulate a response to the application given competing views and feedback from members.¹²
17. There have been two submissions that have strongly opposed the application, from Para Kore Marae Incorporated and Te Kopua Marae. There have been two submissions that have strongly opposed the application, from Para Kore Marae Incorporated and Te Kōpua Marae.
18. In the course of preparing this advice, Ministry for the Environment officials met with Waikato-Tainui and Maniapoto representatives to inform them of the process, and seek initial feedback. Both parties indicated that there was insufficient information for them to provide informed feedback at this stage. However, Waikato-Tainui expressed concern at the prospect of an application with significant local impacts not being decided locally.
19. We note that the letter from Waikato Regional Council (WRC) states that 'The WRC has been in contact with relevant Waikato Iwi partners regarding this request for call in. However, the Iwi leaders we spoke with indicated a lack of engagement by councils prior to requesting the call in.
20. In their letter to Minister Simmonds, both WRC and WDC advised a preference that should you decide to call in the application, that you refer it to a Board of Inquiry (BoI) rather than the EC. WRC emphasised that referral to a BoI would provide for Waikato River Authority representation, whereas referral the Environment Court (EC) would not. Therefore in the interests of maintaining relationships with iwi partners, they request that if you decide to call the application in, that you refer it to a BoI rather than

¹² Ngaati Apakura website statement dated 25 November 2023. *Global Metal Solutions Response*. Ngaati Apakura Runanga Trust acknowledges the competing views and feedback regarding the Global Metal Solutions incinerator proposal. On reflection, we have decided to consult with the Ngaati Apakura Iwi which we will do shortly and announce from that consultation a decision.'

the EC. WDC also suggested for a BoI process, noting that it is less costly and less formal for submitters than the EC and could be held locally.

21. There is a significant risk to Māori-Crown relationships if iwi, hapū and Māori groups are not meaningfully engaged in this matter. If you decide to ask the EPA for advice on a call in, it is recommended that you seek the views of Waikato-Tainui, Maniapoto and Raukawa and any hapū and marae that may be directly impacted by the proposed plant.

Appendix E: Draft letters to Waikato-Tainui, Te Nehenehenui and Raukawa

Tukoroirangi Morgan
Chairperson
Te Whakakitenga o Waikato
By email: s 9(2)(a)
Copy to: reception@tainui.co.nz

Tēnā koe Tukoroirangi

Request to call in the proposed Te Awamutu waste-to-energy facility as a matter of national significance

I have received requests from both Waikato Regional Council and Waipā District Council to call in the resource consent applications made by Global Contracting Solutions Limited to construct and operate a waste-to-energy facility in Racecourse Road, Te Awamutu. I have attached copies of those letters for your information. The facility would burn municipal waste from around the Waikato region to generate approximately 131 GWh of energy per year.

The Waikato Regional Council noted in their letter to me, that in their view Section 29 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 is relevant to the application. I would appreciate your view on the call in request in the context of relevant Treaty settlements and accords including: Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Te Ture Whaimana.

I am receiving advice from Ministry for the Environment officials on the statutory processes and steps required for the consideration of a call in under the Resource Management Act 1991. I will take your response into consideration with that advice and in making my decision.

Nāku noa, nā

Hon Penny Simmonds
Minister for the Environment

Peter Douglas
Chairperson
Te Nehenehenui
By email: s 9(2)(a)
Copy to: Samuel Mikaere – Chief Executive Officer
s 9(2)(a)

Tēnā koe Peter

Request to call in the proposed Te Awamutu waste-to-energy facility, as a matter of national significance

I have received requests from both Waikato Regional Council and Waipā District Council to call in the resource consent applications made by Global Contracting Solutions Limited to construct and operate a waste-to-energy facility in Racecourse Road, Te Awamutu. I have attached those letters for your information. The facility would burn municipal waste from around the Waikato region to generate approximately 131 GWh of energy per year.

I would appreciate your view on the call in request in the context of relevant Treaty settlements and accords including: Nga Wai o Maniapoto (Waipa River) Act 2012, Ngai Maniapoto Waiwaia Accord and Te Ture Whaimana.

I am receiving advice from Ministry for the Environment officials on the statutory processes and steps required for the consideration of a call in under the Resource Management Act 1991. I will take your response into consideration with that advice and in making my decision.

Nāku noa, nā

Hon Penny Simmonds
Minister for the Environment

Kataraina Hodge
Chairperson
Raukawa Settlement Trust
By email: s 9(2)(a)

Tēnā koe Kataraina

Request to call in the proposed Te Awamutu waste-to-energy facility, as a matter of national significance

I have received requests from both Waikato Regional Council and Waipā District Council to call in the resource consent applications made by Global Contracting Solutions Limited to construct and operate a waste-to-energy facility in Racecourse Road, Te Awamutu. I have attached those letters for your information. The facility would burn municipal waste from around the Waikato region to generate approximately 131 GWh of energy per year.

I would appreciate your view on the call in request in the context of relevant Treaty settlements and accords including: Raukawa Claims Settlement Act 2014, Raukawa-Crown Accord and Te Ture Whaimana.

I am receiving advice from Ministry for the Environment officials on the statutory processes and steps required for the consideration of a call in under the Resource Management Act 1991. I will take your response into consideration with that advice and in making my decision.

Nāku noa, nā

Hon Penny Simmonds
Minister for the Environment