



## PROACTIVE RELEASE COVERSHEET

<b>Minister</b>	Hon Penny Simmonds	<b>Portfolio</b>	Environment
<b>Name of package</b>	Proposal to call in GCSL application to build a waste to energy facility in Te Awamutu	<b>Date to be published</b>	30 June 2025

List of documents that have been proactively released		
<i>Date</i>	<i>Title</i>	<i>Author</i>
13 June 2025	Cabinet paper: Global Contracting Solutions Limited resource consent applications to Waikato Regional Council and Waipā District Council to build and operate a waste-to-energy facility in Te Awamutu – Call in and direct that the resource consent applications be referred to a Board of Inquiry	Ministry for the Environment
<b>Information redacted</b> <b>NO</b>		

## **Policy and Privacy**

### **In-Confidence**

Office of the Minister for the Environment

ECO - Cabinet Economic Policy Committee

## **Global Contracting Solutions Limited resource consent applications to Waikato Regional Council and Waipā District Council to build and operate a waste-to-energy facility in Te Awamutu – Call in and direct that the resource consent applications be referred to a Board of Inquiry**

### **Proposal**

- 1 I propose to call in the resource consent applications (also referred to as the matter) sought by Global Contracting Solutions Limited (GCSL) to build and operate a waste-to-energy facility in Te Awamutu and direct the matter to a board of inquiry (BoI) under section 142(2)(a) of the Resource Management Act 1991 (RMA).

### **Relation to government priorities**

- 2 The proposal in this paper contributes to delivering on the coalition agreement to make the regulatory process as efficient as possible, while reform of the RMA is occurring.

### **Executive Summary**

- 3 The RMA provides me with authority as the Minister for the Environment to direct the decision making for one or more resource consent applications that make up a proposal of national significance to either the Environment Court or a BoI under section 142(1).
- 4 I received letters from Waikato Regional Council (WRC) and Waipā District Council (WDC) requesting that I call in the resource consent applications for the construction and operation of a waste-to-energy facility in Te Awamutu.
- 5 The Environmental Protection Authority (EPA) recommends that the matter is a proposal, or part of a proposal, of national significance, and that the matter be decided by a BoI.
- 6 I intend to direct the matter to a BoI under section 147 of the RMA.
- 7 As required by Cabinet Office Circular CO (06) 7, this matter is referred to this Cabinet to ensure that I have access to and can take into account any relevant matters that my Ministerial colleagues may contribute before making my decision, and to ensure that all members of Cabinet are aware of the proposed intervention before the matter becomes public.

## Background

### *Statutory Authority*

- 8 The RMA provides me with the authority as Minister for the Environment to direct the decision making for one or more resource consent applications that make up a proposal of national significance, to either the Environment Court or a Bol - refer section 142(1).
- 9 I received letters from WRC and WDC requesting that I call in, as a proposal of national significance, the resource consent applications they have received for the construction and operation of a waste-to-energy facility in Te Awamutu.
- 10 The proposed waste-to-energy facility will use municipal waste from across the north island and burn that waste to produce electricity. There are currently no facilities of this nature in New Zealand, however, a similar facility proposed for the Waimate District was called in and referred to the Environment Court in 2023.

### *EPA's Recommendation*

- 11 The EPA has provided me with a recommendation as required under section 146 of the RMA, which recommends that the matter is a proposal, or part of a proposal, of national significance, and that the matter be decided by a Bol.
- 12 In deciding whether a matter is a proposal, or part of a proposal, of national significance I may have regard to any relevant factor, including the factors listed in section 142(3) of the RMA. The EPA considers the matters for each component are, or are part of, a proposal of national significance.
- 13 The matters lodged by the GCSL to build and operate a waste-to-energy facility in Te Awamutu are a proposal of national significance for the following reasons:
- there is widespread public concern and interest regarding the actual and likely effects of the matters on the environment;
  - the potential greenhouse gas (GHG) emissions associated with the matter may affect or be relevant to any international obligations that New Zealand has to the global environment;
  - due to the potential GHG emissions associated with the matter, they may contribute to significant changes to the environment, including the global environment;
  - the proposal involves technology, processes, or methods that are new to New Zealand and that may affect its environment;
  - the matters are of high interest to mana whenua and there are a number of Treaty related issues making it likely to be significant in terms of section 8 of the RMA;
  - the matters may assist the Crown in fulfilling its public health obligations or functions.
- 14 In addition, another relevant factor is the statutory bar in the RMA on Council's considering the effects of GHG emissions on climate change when making consent

decisions, that was in place at the time the applications were received by the Councils<sup>1</sup>. The only way the effects of GHG emissions on climate change can be considered is if the resource consents are called in.

- 15 I agree with the EPA's assessment and consider these matters are, or are part of, a proposal of national significance and, subject to Cabinet's views, intend to direct them to a Bol under section 147 of the RMA. In reaching my preliminary view, I have considered the views of the applicant, the local authorities with jurisdiction over the matters, and of the relevant Post-Settlement Governance Entities. I also considered the capacity of these local authorities to process the matters.

### *Cabinet Office Circular*

- 16 Cabinet Office Circular CO (06) 7 requires that before I make my decision on this call in, I must refer the issue to Cabinet for discussion. The purpose being to:
- ensure that I have access to and can take into account any relevant matters that my Ministerial colleagues may contribute before making my decision<sup>2</sup>; and
  - ensure that all members of Cabinet are aware of the proposed intervention before the matter becomes public<sup>3</sup>.

## **Analysis**

### *The call in requests*

- 17 The two councils presently processing the resource consent applications are WRC and WDC. As noted above, both councils have written to me asking me to call in the resource consent applications, and the applicant now supports those requests.

### *The statutory process for a call in*

- 18 I asked for and received advice from the EPA (ENQ-47780-K6P7L3 refers) on the call in request. That advice was that the resource consents from GCSL to build and operate a waste-to-energy facility in Te Awamutu are a proposal of national significance, and that the EPA recommends calling in the proposal and referring it to a Bol.
- 19 In making my decision on a call in, in addition to considering the recommendations of the EPA, I am also required to take into account the views of the local authorities presently processing the applications, the applicant, and the local authority's capacity to continue processing the matter. I therefore asked the EPA to obtain the views of these parties to assist with my decision making.
- 20 Both local authorities consider the matter to be a proposal of national significance and fully support a call in. Whilst, both councils consider that they have the capacity to process the applications if required, the main reasons for supporting a call in are their inability to consider the potential effects of GHG emissions on climate change, the affect that has on the inability to holistically assess the proposal, and the ability and

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<sup>1</sup> Section 104E of the RMA, up until it was repealed on 30 November 2022, prohibited consideration of the effects of discharges on climate change. The applications under consideration were lodged with the Councils on 3 December 2021.

<sup>2</sup> Cabinet Office Circular CO (06) 7 section 11.1

<sup>3</sup> Cabinet Office Circular CO (06) 7 section 11.2

expectations of the Waikato River Authority to be involved in the decision making if the direction is to a Bol. Both local authorities support referral to a Bol.

- 21 GCSL initially did not support a call in but have now indicated that they are supportive of the proposal being called in. GCSL continues to dispute the national significance assessment, however, they have now become less confident in the benefits of localised decision making, with risks of distraction and influence of public campaigning, and what they consider to be misinformation.
- 22 Given the relationship agreements I have with mana whenua, I wrote to Te Whakakitenga o Waikato, Te Nehenehenui, and Raukawa Settlement Trust, asking for their view of calling in the matter. I received replies that expressed concern about the effects of the discharge to air and the discharge of stormwater to the Mangapiko Stream, a tributary of the Waipā River that is considered to be a taonga and river of cultural significance. They also indicated a clear preference for referral to a Bol, which could provide for the Treaty settlement requirement to have joint decision making<sup>4</sup>.
- 23 Calling in the proposal will very likely provide for a streamlined decision-making process by removing the standard council consenting process and appeals to the Environment Court and limiting appeals to points of law only. Referral to a Bol will also require a decision within 9 months. A standard council consent process could take longer than that, especially if a consent decision is appealed to the Environment Court.

### **Cost-of-living Implications**

- 24 No cost-of-living implications have been identified in relation to this proposal.

### **Financial Implications**

- 25 There are no immediate financial implications for the Government. The actual and reasonable costs incurred by the EPA in exercising its functions and powers (including the costs in respect of secretarial and support services provided to a Bol by the EPA will be recovered from the applicant.

### **Legislative Implications**

- 26 No legislative implications have been identified in relation to this proposal.

### **Impact Analysis**

#### *Regulatory Impact Statement*

- 27 A RIS does not need to be prepared as the proposal does not involve nor will result in changes to legislation. Furthermore, the full environmental, cultural impacts of the proposal will be considered by Bol.

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<sup>4</sup> Section 29 of the Waikato River Settlement Act 2010 requires that in the event an application is referred to a Bol through a call in process, there must be an equal number of Waikato River Authority appointees as Crown EPA appointees, as well as a chairperson appointed under section 149J of the RMA.

## *Climate Implications of Policy Assessment*

- 28 It is estimated that the GHG emissions for the Te Awamutu facility at (between 145 kt and 165 kt p/a CO<sub>2</sub>-e) are significant at a national level. All emissions of fossil-based CO<sub>2</sub> are additions to atmospheric concentrations and contribute to human induced climate change, and that some of that addition will remain in the atmosphere for thousands of years.

## **Population Implications**

- 29 No policy impacts have been identified for any specific population groups.

## **Human Rights**

- 30 No policy implications have been identified relating to the New Zealand Bill of Rights Act 1990 or Human Rights Act 1993.

## **Use of external Resources**

- 31 No external resources have been used as part of the policy process.

## **Consultation**

- 32 The following agencies were consulted on the content of this paper: Department of Conservation, Department of Corrections, Department of Internal Affairs, Inland Revenue, Kāinga Ora – Homes and Communities, Ministry for Business, Innovation and Employment, Ministry of Education, Ministry of Health, Ministry of Housing and Urban Development, Ministry of Justice, Ministry for Primary Industries, Ministry of Social Development, National Emergency Management Agency, the Treasury, Waka Kotahi NZ Transport Agency, and Te Puni Kōkiri, Department for Prime Minister and Cabinet, Office for Māori Crown Relations/Te Arawhiti and the Energy Efficiency and Conservation Authority.
- 33 Agency consultation resulted in additional information being added to explain how a waste-to-energy plant operates, and the removal of some detail on greenhouse gas emissions.

## **Proactive Release**

- 34 I intend to proactively release this Cabinet paper following decisions being taken by Cabinet.

## **Recommendations**

The Minister for Environment recommends that the Economic Policy Committee:

- 1 **note** that the resource consent applications to build and operate a waste-to-energy facility in Te Awamutu were lodged with the WRC and the WDC, by GCSL.
- 2 **note** that the EPA has provided me with a recommendation as required under section 146 of the RMA. The EPA recommends that the matters applied for by GCSL are a proposal, or part of a proposal, of national significance, and should be heard and determined by a Bol;
- 3 **note** my intention to direct the matters to a Bol to consider and decide.

- 4 **note** that this is the opportunity for members of Cabinet to raise any matters they consider are relevant for the Minister for the Environment to take into account in making the decision on the call in.
- 5 **note** that following referral, I will present a paper to Cabinet of my intention to appoint certain persons to the Bol.
- 6 **note** my intention to recover from the applicants, the actual and reasonable costs incurred by the EPA in exercising its functions and powers (including the costs in respect of secretarial and support services provided to a Bol by the EPA).
- 7 **approve** the proactive release of this Cabinet paper following decisions being taken by Cabinet.

Authorised for lodgement

Hon Penny Simmonds

Minister for the Environment

## **Appendices**

**Appendix 1 – The Discharge Consent Application – No Appendices**

**Appendix 2 – The Land Use Consent Application – No Appendices**