

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Mark Oliver

Organisation name:

Agent's full name:

Email address: [ollyllo1962@gmail.com](mailto:ollyllo1962@gmail.com)

Contact phone number:

Postal address:  
47 hill St warkworth  
Warkworth  
Auckland 0910

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:

Property address: 1232 state highway 1, wayby valley

Map or maps:

Other provisions:  
Freshwater management

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
They conflict with national policy statements on freshwater management

I or we seek the following decision by council: Decline the plan modification

Submission date: 25 May 2020

### Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: r krieg

Organisation name:

Agent's full name:

Email address: [info@mmk.co.nz](mailto:info@mmk.co.nz)

Contact phone number:

Postal address:

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:

Resource management act 1991

Part 2

Purpose and principles

5Purpose

(1)

The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2)

In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a)

sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b)

safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c)

avoiding, remedying, or mitigating any adverse effects of activities on the environment

Property address: 1232 State Highway 1 Wayby Valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The whole proposal is contrary to the purpose and principles of the Resource Management Act 1991, conflicts with the Auckland Unitary Plan, conflicts with National Policy Statements on Freshwater Management, contrary to the Waste Minimization Plan...

I or we seek the following decision by council: Decline the plan modification

102.1

Submission date: 25 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Dean Yarnndley

Organisation name:

Agent's full name:

Email address: [dyarnndley@gmail.com](mailto:dyarnndley@gmail.com)

Contact phone number: 021731333

Postal address:

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:

-

Property address: -

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The proposal conflicts with sound resource management principles; the Purpose and Principles of the Resource Management Act 1991, the Auckland Unitary Plan, National Policy Statements on Freshwater Management; Waste Minimisation Act 2008 and the Auckland Council Waste Management and Minimisation Plan. I object to one off bespoke objectives, policies and rules being applied to this site.

I or we seek the following decision by council: Decline the plan modification

Submission date: 25 May 2020

### Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Caroline Milner

Organisation name:

Agent's full name:

Email address: [milnercaroline1@gmail.com](mailto:milnercaroline1@gmail.com)

Contact phone number: 021302717

Postal address:  
42d Rodney Street  
Wellsford  
Auckland 0900

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:

Property address: In its entirety

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I am a resident of Wellsford town the proposed use of this land is only 3.5km away from the town centre I do not believe it is a suitable site for a landfill. The Hoteo river is currently the fresh water supply for the town and wider region. The geology of the area means that there are many springs and the land type is considered unstable. I understand that Watercare has put down a bore for future use into the aquifer that is under the site. The Hoteo travels into the Kaipara Harbour an important area of significance. A landfill poses too large a risk to the Kaipara's integrity. A Rahui has been placed on this site which needs to be respected.

I or we seek the following decision by council: Decline the plan modification

Submission date: 25 May 2020

## **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Janne Radtke

Organisation name:

Agent's full name:

Email address: [janneradtke@gmx.net](mailto:janneradtke@gmx.net)

Contact phone number:

Postal address:  
60 a Worker Road

Wellsford 0900

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:  
The proposed waste management landfill precinct

Property address: 1232 State Highway 1, Wayby Valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
It disregards the resource management act 1991  
National Policies on freshwater management  
Waste minimisation act 2008  
Auckland Unitary plan

I or we seek the following decision by council: Decline the plan modification

Submission date: 25 May 2020

### Attend a hearing

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: karma cooper

Organisation name:

Agent's full name:

Email address: [karmalavinia@gmail.com](mailto:karmalavinia@gmail.com)

Contact phone number:

Postal address:  
24 wickens place  
Warkworth  
Auckland 0910

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:  
All of it

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
We don't want your waste

I or we seek the following decision by council: Decline the plan modification

Submission date: 25 May 2020

### Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**To** Auckland Council  
By email to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**And to:** Waste Management NZ Ltd  
c/ Tonkin & Taylor  
Attention: Rachel Signal-Ross  
By email to [rsignal-ross@tonkintaylor.co.nz](mailto:rsignal-ross@tonkintaylor.co.nz)

**1 Name of submitter:**

Mikaera Miru  
Kaitiaki  
Waiaotea Marae  
Te Uri o Hau/Ngati Whatua

**2 Private plan change 42 (PC42):**

2.1 This is a submission on an application by Waste Management NZ Ltd for a private plan change to introduce a new precinct into the Auckland Unitary Plan – the Auckland Regional Landfill Precinct. This relates to the proposed construction and operation of a new regional landfill facility on approximately 1020 hectares of land at 1232 State Highway 1, Wayby Valley, between Warkworth and Wellsford **(the proposal or PC42, as context requires)**.

2.2 The full legal description for the property is identified in the Private Plan Change Request at Table 1.3.

2.3 The alleged reasons for PC42 are identified by the Private Plan Change Request as follows:

- *To appropriately recognise landfills as infrastructure within the AUP, by identifying a site within Auckland that has been assessed as being suitable for a new landfill, and describing this site through the use of a precinct and managing future effects of activities within the precinct through bespoke objectives, policies and rules;*
- *In anticipation of a landfill being established at the site, providing recognition of the site in the planning framework for the Auckland Region, consistent with the treatment of other large scale infrastructure in the region, and to manage potential future reverse sensitivity effects;*
- *To enable efficient operation of a future landfill at the site throughout its operating life, by targeting future re-consenting requirements to the nature of the discharge and measures to avoid, remedy or mitigate effects."*

3 I cannot gain an advantage in trade competition through this submission.

4 I am directly affected by an effect of the subject matter of the submission that—  
(a) adversely affects the environment; and  
(b) does not relate to trade competition or the effects of trade competition.

5 The specific parts of the proposal that my submission relates to are—  
All of proposed PC42.

6 My submission is to **oppose** PC42.

**Reasons for this submission are:**

6.1 The proposal does not promote sustainable management and is inconsistent with Part 2 of the Resource Management Act (“RMA”). It results in adverse effects to:

- (a) s6(e) RMA – the relationship between mana whenua and their culture and traditions, whanaungatanga and tikanga over their ancestral lands, waters, sites, wāhi tapu and taonga;
- (b) Adverse effects to the exercise of kaitiakitanga by mana whenua;
- (c) Breach of principles of Te Tiriti o Waitangi (including rangatiratanga and the active duty to protect taonga).

6.2 The proposal results in more than minor effects and include significant, actual and potential adverse effects to the environment. These include:

- Adverse cultural effects to mana whenua and the related cultural landscape where the proposal is located;
- Rāhui instituted by Te Rūnanga o Ngāti Whātua and their hapū and Marae in opposition to the proposal;
- Intergenerational impacts including future generations impacted by the long-term landfill legacy
- Adverse biodiversity effects;
- Impacts on freshwater, including Te Awa Hōteu and its catchments, and risk of discharge of contaminants to Te Awa Hōteu and Kaipara Moana;
- discharge (and unacceptable risk of discharge) of contaminants to water, land and air;
- Adverse impacts to Papatūānuku and mauri;
- Significant stream diversions & reclamations (exceeding 15.4 km)
- Leachate (water and landfill gas)
- Climate change and greenhouse gas emissions
- Intrinsic values, amenity and quality of environment
- Landscape and natural character
- Traffic generated by the proposal

6.3 The proposal fails to adequately assess the relevant effects on the environment, benefits and costs, efficiency and effectiveness, relevant alternatives, consultation and information gathering, proportionate to the scale and significance of the proposal, which involves a regional-scale, permanent, landfill operation.

6.4 The proposal does not meet the relevant statutory tests in s32, s32AA and 1<sup>st</sup> Schedule of the RMA. As noted, it does not achieve the purpose of the Act. It is not the most appropriate option for achieving the objectives and policies of the Unitary Plan; and

there are other reasonably practicable options and alternatives. It is not efficient, effective and does not achieve adequate outcomes. It is contrary or inconsistent with the relevant Unitary Plan provisions and does not give effect to the Regional Policy Statement.

- 6.5 The proposal has not assessed the relevant cultural effects from all impacted mana whenua and tangata whenua. Te Rūnanga o Ngāti Whātua and/or Te Uri o Hau have not provided (to date) a cultural values assessment. Waste Management NZ Ltd and Council have failed to undertake best practice consultation and engagement; resulting in inadequate information on cultural and other effects of the proposal. The proposal does not meet the expectations of the RPS for mana whenua engagement which includes providing opportunity for active participation, partnership and meaningful engagement:

***“B6.2.2. Policies***

*(1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following:*

*(a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga;*

*(b) builds and maintains partnerships and relationships with iwi authorities;*

*(c) provides for timely, effective and meaningful engagement with Mana Whenua at appropriate stages in the resource management process, including development of resource management policies and plans;*

*(d) recognises the role of kaumātua and pūkenga;*

*(e) recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga;*

*(f) acknowledges historical circumstances and impacts on resource needs;*

*(g) recognises and provides for mātauranga and tikanga; and*

*(h) recognises the role and rights of whānau and hapū to speak and act on matters that affect them.”*

- 6.6 The proposal fails to address:
- (a) alternative methods and sites that result in more appropriate long-term outcomes for the region;
  - (b) relevant benefits and costs;
  - (c) uncertainties and risks;
  - (d) alternative locations, reduced intensity and scale.

7 The Proposal fails to uphold RMA Subpart 2-Mana whakahono a rohe: Iwi participation Arrangements.

Purpose and guiding principles

58M Purpose of Mana Whakahono a rohe

The purpose of Mana Whakahono a rohe is –

- a. To provide a mechanism for iwi authorities and local authorities to discuss, agree, and record ways in which tangata whenua may, through their iwi authorities, participate in resource management and decision-making processes under this act; and
- b. To assist local authorities to comply with their statutory duties under this Act, including through the implementation of sections 6(e), 7(a), and 8.

58N Guiding Principles

In initiating, developing, and implementing a Mana Whakahono, the participating authorities must use their best endeavours-

- a. To achieve the purpose of the Mana Whakahono a Rohe in an enduring manner.
- d. To work together in good faith and in a spirit of co-operation.
- e. To communicate with each other in an open, transparent, and honest manner.
- h. To recognise that a Mana Whakahono a Rohe under this subpart does not limit the requirements of any relevant iwi participation legislation or the agreements associated with that legislation.

8 The proposal fails to address:

Te Uri o Hau Hapu Environmental Management Plan “Te Uri o Hau Kaitiakitanga o te Taiao”. “Te Uri o Hau Kaitiakitanga o Te Taiao” plan, aims to advocate and support kaitiakitanga and the management and development of natural resources within the statutory area of Te Uri o Hau. This plan is addressed to Te Uri o Hau whanui (all whanau), the crown, and their representative agencies, resource consent applicants, research institutions, land-holders, a wider community and non government organisations.

**The proposal fails to uphold treaty settlement legislation**

- **Te Uri o Hau Claims Settlement Act 2002;**
- **Te Uri o Hau Deed of Settlement 2000;**
- **Te Uri o Hau Settlement Historical Claims Schedules 2000;**

**The applicant failed to comply with Overseas Investment act 2005**

Special condition 4 (p42)

- (2) You must consult fully with all mana whenua with interests in and/or adjacent to the land, prior to lodging resource consent application and no later than 31 May 2019.



**Outcome sought:**

I seek the following decision from the consent authority:

- (a) The proposal should be declined under the 1<sup>st</sup> Schedule RMA.

107.1

I wish to be heard in support of my submission.

If others make a similar submission, I will not consider presenting a joint case with them at the hearing.

Signature of submitter  
(*or* person authorised to sign  
on behalf of submitter)

Date 25<sup>th</sup> May 2020  
(A signature is not required if you make your submission by electronic means.)

Electronic address for service of submitter: mirumikaera@gmail.com

Telephone: 021 835 225

Postal address (*or* alternative method of service under section 352 of the Act): Ngatoto Rd,  
Tinopai, 0593

Mikaera Miru  
Kaitiaki  
Contact person: [*name and designation, if applicable*]

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Paul Surman

Organisation name:

Agent's full name:

Email address: [paul.aim263@gmail.com](mailto:paul.aim263@gmail.com)

Contact phone number: 021940231

Postal address:

PO Box 409

Warkworth

Auckland 0941

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:

The proposal is conflicts with sound resource management principles; the purpose and principles of the Resource Management Act 1991, the Auckland Unitary Plan, National Policy Statements on Freshwater Management; Waste Minimisation Act 2008 and the Auckland Council Waste Management and Minimisation Plan. I object to one off bespoke objectives, policies and rules being applied to this site. The proposal also conflicts with national air quality initiatives and statements including CO2 emissions, Sulphur particles, and other particulates in the air and healthy air initiatives by the Ministry of environment and Auckland council.

The application is not consistant and conflicts with Auckland council CO2 emissions and climate change objectives, vehicle emissions policy and strategic plans for healthy air and reducing pollution. The application does nothing to address the additional Vehicle movements wear and tear on the roads and inefficient transportation over large distances travelled creating health and safety issues for public and drivers with the number of extra vehicle movements.

The distant travelled also means that Ratepayers potentially are paying for 2 tolls adding further significant cost to dispose of waste.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I Object to one off bespoke objectives, policies and rules being applied to this site.

It does not comply with many sections of the resource management act.

1. We believe the landfill poses multiple high impact risks to the environment, particularly the Hoteo River and Kaipara Harbour, and to the community.
2. The site clearly does not align with the Resource Management Act, the Unitary/Regional Plans of the area, and to the Waste Industries own landfill siting criteria.
3. As witnessed with the Rotorua landfill court case and allegations of leaked discharges due to major weather events and the recent Fox Glacier landfill disaster the placement of this landfill in an unsuitable location is likely to lead to cost ratepayers in the area for the clean up.
4. This submission is being made because of an immediate risk to surrounding environments, people and businesses by this proposed landfill. Due to nearby extensive waterways, native and threatened species and ecosystems, and local communities in the proposed landfill area, there is clearly a lack of regard for protecting the land and its people from the far-reaching and long-lasting impacts of landfills by this proposal.
5. The land includes waterways - tributaries to the Hoteo River which lead into the Kaipara Harbour which is the beginning of the marine food chain, and a significant breeding ground for snapper, oyster and other species. Endangered Maui dolphin feed at the harbour entrance, and Fairy Terns inhabit the area. The forest on the site and neighbouring Department of Conservation reserve contains native and threatened flora and fauna. The land purchased also includes wetlands, flood plain, springs/tomos and a fresh-water aquifer, and a fresh water supply is nearby.

6. Geology and water systems - The proposed site consists of fractured upthrust sandstone and mudstone layers, topped with reactive clay. The cracking and swelling clay causes gradual ground movement or sudden slips. Water flows carve intermittent underground streams, forming tomos and springs. These streams will often disappear down cracks in the uplifted bedrock thus contributing to the underground aquifers. This combination also results in high risk of slips on the surface.

7. Weather - The elevated site is exposed to north - north westerly winds, highly localised rain, lightning and thunderstorms. The Dome Valley area experiences high rainfall, normally in the winter months, but also is prone to summer cyclones predominantly from the north east. These high rains cause extreme flood events and large slips in the area, particularly where earthworks such as a landfill site would include.

8. Related waterways

a) The Hoteo is the third largest river (second after rain) feeding into the Kaipara Harbour. The river provides water to the local community, farmers and livestock, and is home to many flora and fauna species including the highly endangered seagrasses that surround the rivermouth (Auckland Council, 2014).

b) The Kaipara Harbour has a coastline which is 3,350km in length making it the largest harbour in the Southern Hemisphere. It is a major contributor to New Zealand's seafood industry as it is the major breeding ground for West Coast snapper. Due to its seagrass habitat it is a nursery and feeding ground for multiple species including snapper, mullet, trevally, sharks, seals, orca, shellfish, and the endangered maui dolphin. The dunes and shoreline are habitat to a range of bird species including endangered birds such as Fairy Terns, Black Stilt, NZ Dotterel, Bittern, Heron, Black Billed Gull, Wrybills and Oystercatchers.

c) The site includes significant wetland areas which are highly endangered and at risk in New Zealand. They contain important flora and fauna and act as a filter for sedimentation and contaminants.

d) The area includes flood plains below the proposed site, which regularly flood causing road closures. They are fed by the tributaries from the proposed landfill area and the Hoteo River. Flood events could carry leachates across the flood plain area, impacting agricultural areas and ground water sources.

e) Springs/tomos spontaneously occur in the area. These could affect the integrity of the landfill liner leading to breaches.

f) An aquifer / fresh water supply underlies the area's waterway systems and is a potential groundwater source for the Wellsford Water Treatment Plant.

9. Landfill operation - Due to the high rainfall in the area we believe the clay topping to cover daily rubbish would be incapable of performing its job in such wet conditions.

10. Important species - The proposed landfill site and surrounding area contains many native and/or threatened terrestrial and aquatic species. Such as:

Land based

Trees

- Kauri – Very Endangered and highly threatened currently by Kauri Dieback spread
- Taraire, Tawa, Podocarp, Kauri, Broadleaf and Beech forest

Birds

- Tui, Kereru, Morepork, Fantail
- Silver-eye, Swamp Harrier, Shining cuckoo, Welcome Swallow, Kingfisher
- Bitterns
- Fairy terns
- Grey Duck - Nationally Critical

Other

- Long-tailed bat - Nationally Vulnerable
- Flat-web spider (oldest spider in the world)
- Giant earthworms
- Forest Gecko - Declining

Amphibians

- Hochstetter frogs – At risk

Aquatic - Water based

Freshwater species found in nearby river Waiwhiu, other Hoteo tributaries and the Hoteo River itself.

- Shortfin eel, Longfin eel (Declining), Inanga, Common Bully, Redfin Bully.
- Banded Kokopu, Freshwater crayfish, Freshwater Tuna, Whitebait.

Marine life

- Seafood stocks - Snapper, Tarakihi, Mullet, multiple shellfish species

Sealife

- Maui dolphins, Orca, major shark nursery, shellfish etc.
- Seagrass - the mouth of the Hoteo River is home to a key seagrass population, which could be majorly threatened by the increased sedimentation and leachate distribution from this landfill.

## IMPACT ON LOCAL IWI AND HAPU

If you whakapapa as members of Te Uri o Hau, Ngati Manuhiri, Ngati Rango or Ngati Whatua, you are recognised to have rights to submit your thoughts about the proposed landfill as it falls within your tribal area including the entire Kaipara Harbour area. The following concerns may be useful for you when writing your submission as they have been written from an iwi perspective. Even if you are non-maori you may wish to include these iwi concerns in your submission as a show of support for local iwi and their rights to protect their taonga (treasure).

Note: For those who wish to have more in depth information please contact Mikaera Miru on [mirumikaera@gmail.com](mailto:mirumikaera@gmail.com)

11. Treaty of Waitangi settlements and the Resource Management Act recognise and state that organisations and individuals have obligations to local iwi / mana whenua when proposing changes or activities which will or may impact the environment.

12. Local iwi Te Uri o Hau, Ngati Manuhiri, Ngati Rango and Ngati Whatua are guardians of the land, marine and coastal area surrounding the proposed landfill site and encompassing the entire Hotoe River and Kaipara Harbour area. They separately and collectively advocate and support kaitiakitanga and the management and development of natural resources within their statutory areas. Many hapu and whanau groups live beside and rely on the Hotoe River and Kaipara Harbour for their food and recreation.

13. Wai (Fresh water): Degradation of this natural resource is a major issue because:

- water is seen as sacred because of its purity and life supporting qualities
- water plays an important role from birth to death
- each freshwater system has its own mauri which represents the life force of the resource and the ecological systems which live within that resource.
- the quality of the fresh water entering the harbour directly affects the quality of the marine environment
- like all taonga, water is traditionally conserved and protected
- traditional methods of protection included rahui and tapu

This proposed landfill is a serious affront to the preservation of the mauri within fresh waterways as well as the physical and spiritual health of iwi, hapu, whanau members and the wider community.

14. Aukati Rahui: In June 2019, Te Uri o Hau Tribal Council representing fourteen Marae (7,000 people) endorsed the placement of an aukati rahui over the proposed landfill site. This was supported and confirmed at a community meeting of 200 local people.

The aukati rahui was placed during a dawn ceremony on 15th June 2019 and witnessed by over 150 people.

To date Auckland Council have ignored the rahui but they have a legal obligation to recognise and provide for this as confirmed by the Resource Management Act.

#### IMPACT ON LAND

15. Habitat and species loss caused by tree felling and excavations causing loss of biodiversity.

- loss of habitat for species as previously listed (see #10)
- loss of species directly through removal of species
- indirectly over time due to loss of habitat, and/or cascading effects through ecosystems

16. Increased erosion and sediment movement by wind and rainfall once sediment is loosened from excavations and daily dirt layers on the landfill adversely impacting the environment.

This will cause:

- dust layers over vegetation.
- decreased availability of vegetation as a food for other species.

Note: the Kaipara Harbour is already under threat from sedimentation from its tributary rivers.

17. Rubbish distribution is likely throughout the surrounding environment by wind and rainfall with adverse impacts on biodiversity.

This will cause:

- negative impacts on animals when consumed.
- animals to become poisoned by toxins and chemicals in rubbish.
- the spread of contaminants into soils, waterways and affected ecosystems.
- distasteful views for the community when seen.
- danger to vehicles avoiding rubbish on State Highway 1.

18. LFG (landfill gases) such as methane and other gases (including carbon dioxide and sulphur dioxide) will be released into the environment from the landfill during operation having adverse impacts on biodiversity, local residents and increasing the fire risk.

#### IMPACT ON THE WATER

19. Degradation to the natural state of the land will in turn have adverse effects on the aquatic environment/ecosystems. We believe this will occur through a breach of the landfill liner or through normal operations. Resulting in:

- (a) discharge of a contaminants or water into water
- (b) discharge of a contaminant onto or into land
- (c) the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
- (d) conspicuous change in the colour or visual clarity.
- (e) emission of objectionable odour.
- (f) rendering of fresh water unsuitable for consumption by farm animals or people.
- (g) significant adverse effects on aquatic life.

20. Increased sedimentation caused by soil movement in wind and rainfall once loosened from excavations and daily dirt layers on the landfill and loss of trees holding soils in place, causing change in the colour or visual clarity and significant adverse effects on aquatic life.

Sediments will become more transportable from development and operational processes, spreading it into waterways causing;

- increased sedimentation causing;
  - decreased water quality (impacts species and community water supply).
  - decreased light (impacting efficiency and ability for photosynthesis).
  - negative effects on feeding by fauna (particularly filter feeders).
  - cascading effects through the environment and aquatic ecosystems, including vulnerable and threatened wetlands in the area.

21. Leachates will be generated and transported easily through aquatic systems from discharges from the landfill, particularly during high rainfalls. Leachates are dissolved toxic compounds produced through the landfill process. All landfills are known to release leachates into the soils and surrounding areas despite any riparian plantings both during operation and after closure. These leachates can remain in the soil and mud for many years, and have many adverse impacts on the environment such as:

- contamination of habitats.
- causing damage to and loss of species
  - directly through consumption.
  - indirectly through impacts on processes in the ecosystem.
- degradation of water quality
  - for species.
  - of the local water table.
- spreading through the food chain

Leachates from landfills change overtime as well, so the future of the area, particularly the Hoteo River and Kaipara Harbour will be at risk long after the landfill closes as well.

Considering the huge importance of the Kaipara Harbour to our country's internal and exported seafood industry, this is a major concern. Exports of snapper are currently worth \$32 million annually.

22. Microplastics will be produced through the breakdown of rubbish over time in the landfill (including after closure of operation of the landfill, and after the enforced aftercare period of usually 30 years) and easily spread into the surrounding waterways rendering fresh water unsuitable for consumption by farm animals and causing significant adverse effects on aquatic life. Microplastics are a huge and growing issue globally that travel easily and cause many issues.

23. Underground freshwater springs – the area is called “Springhill farm” for a reason, and this landfill would likely cause significant adverse effects on the water table via these springs.

24. Even though modern landfills have improved engineering standards compared to historic landfills, there still remains the ‘unknown event’ to cause a failure. Whether this is due to climate change, environmental events of intense rainfall, earthquake, tsunami, etc., human error, product failure, or changes to site stability, the waste industry themselves cannot guarantee that their liner will never breach.

## IMPACT ON PEOPLE AND THE COMMUNITY

Any degradation to the natural state of the land will in turn have adverse effects on the morale, health and wellbeing of the local community and people.

25. Recreation – the area around and areas likely to be impacted by the landfill have many recreational purposes and are commonly used by community groups and clubs, but with the addition of the landfill may become unusable.

26. Health – there are extensive health risks associated with landfills during operation and once closed which would likely impact our local community. Leachates and rubbish spread through the environment will bring with them bacteria, carcinogens, toxins, and infection substances that will have adverse health impacts on those;

- who come in contact with them.
- who consume infected flora and fauna.
- who consume affected seafood or any part of the food chain.

27. Employment issues – although the landfill development and operation will offer a few jobs, the overall presence of the landfill will cause loss of jobs elsewhere. It is understood that many Redvale landfill employees will relocate and fill most of the job opportunities. Expected job losses elsewhere could include:

- farmers alongside the Hoteo River and Kaipara Harbour.
- local tour operators and accommodation suppliers.
- fisherman who both recreationally and commercially use the harbour as a resource to feed their families.

28. Nuisances - Odour, noise, dust, vibration, light, visual nuisance (on people and animals), rodents, invasive weeds and species caused by the development and operation of the landfill. Landfill development and operation will involve:

- extensive lighting influencing the environment and reducing our dark sky which are culturally important, a scenic and scientific resource, and are critical for nocturnal species.
- releasing dust into the environment.
- disrupting nearby species and people with loud noises and vibrations.
- producing a bad smell which would spread easily on high winds in the area.
- distasteful views of multiple rubbish trucks (300-500 a day) travelling on our small country roads.
- potential spread of odour neutralising salts/zeolite.
- increased rodent (rats, mice) population, increasing the mustelid population.
- increased seagulls in the area

29. Agriculture – Many of the families in the area are farmers, and the addition of this landfill to the area would;

- morally degrade their ambition to care and harvest the land
- have strong impacts on their ability to care and harvest the land by;
  - spreading leachates, sediment and rubbish debris onto agricultural lands negatively impacting crops and animals
  - degrading water sources (particularly the Hoteo River)

30. Emergency services – emergency services in the Wellsford and greater area are primarily volunteer services. The addition of 300-500 rubbish trucks to our already dangerous roads, plus the increased fire risk from the methane gases released, volunteer emergency services will be under excessive pressure.

- Increased heavy traffic volumes (300-500 trucks + 150 service vehicles PER DAY)
- Increased risk of accidents/fatals (most fatals already involve trucks)
- Increased fire risk in inaccessible forestry/farmland, and proximity to the main gas line.

31. Rooding – the Wellsford and greater area experience large volumes of trucks such as quarry, logging and cattle trucks, and milk tankers every day which already cause major damage and congestion, and the addition of 300-500 rubbish trucks a day would cause major rooding issues.

32. Wasted previous efforts by community groups – for years, local community groups have been working tirelessly to improve the quality of the area, and educate local community members of the importance of looking after our lands and waterways. These efforts will largely be reversed by the addition of this landfill.

Although the proposal has plans to put money into the community and these types of programmes, the impacts of this landfill will still undo what has previously been done by the following groups:

- Integrated Kaipara Harbour Management Group (IKHMG) and Trees for Survival have been working on planting and improving the water quality in the wider catchment area and Kaipara Harbour.
- Councils and the government have put public money into this area. Around \$15M contributed to deal with sediment and water quality in Kaipara, \$2M for 5year Hoteo River Healthy Waters project
- Million Metres - planting to protect the Hoteo River.
- Forest Bridge Trust - fencing waterways and planting forest through the CatchIT programme to create a native forest corridor from Kaipara to Pakiri with the goal to reduce vermin and reintroduce Kiwi to the area.

33. Watercare – Watercare sources some water from the Hoteo River for Wellsford and Te Hana. The water is currently supplied to the community, tourists, and rural tank top-ups by water companies. Flooding may cause back wash of leachates, sediments and rubbish towards the water intakes and source degrading the quality of the water. Considering historic and current water shortage issues, there is the potential that this water resource could be another water supply for Auckland. The plan change will also create excessive traffic problems for the area and all the associated risks of safety, health, CO2 emissions and air quality along with excessive costs. Climate change mitigation and or being in line with National and local climate Policy statements. Shifting Waste into a natural habitat is excessively wrong and counter many green policies and the initiatives that should be pursued. Increasing use of fossil fuels to risk dumping waste in a landfill is poor planning and counter any green thinking and initiatives.

I or we seek the following decision by council: Decline the plan modification

108.1

Submission date: 25 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Sarah Smuts-Kennedy

Organisation name: For the Love of Bees

Agent's full name: Sarah Smuts-Kennedy

Email address: [sarahsmutskennedy@gmail.com](mailto:sarahsmutskennedy@gmail.com)

Contact phone number: 0221084470

Postal address:  
475 Mahurangi West Road  
RD 3 Warkworth  
Auckland  
Auckland 0983

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:

Property address: 1232 highway 1 Wayby Valley

Map or maps:

Other provisions:  
To construct and run a new regional landfill

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
I want the council to decline the resource consent completely

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

### Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Dedrie Trnjanin

Organisation name:

Agent's full name:

Email address: [01supermum@gmail.com](mailto:01supermum@gmail.com)

Contact phone number: 02102488470

Postal address:  
28 Parsonage Road  
Woodend  
Woodend 7610

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:

The proposal conflicts with sound resource management principles; the purpose and principles of the resource management act 1991' the Auckland unitary plan' national policy statements on fresh water management; waste minimisation act 2008 and the Auckland Council waste management and minimisation plan.

Property address: 1232 SH 1 , Wayby Valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The above provisions should protect our environment, the application for the landfill is in direct opposition of these provisions and acts that have been put in place. Therefore I am submitting my objection to this landfill and ask that all acts, policies and statements are adhered to ensuring that this natural, beautiful part of New Zealand remains unaffected by waste.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

## **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Alistair de Joux

Organisation name:

Agent's full name:

Email address: [aldejoux@aol.co.uk](mailto:aldejoux@aol.co.uk)

Contact phone number: 0044 7941096713

Postal address:  
18 Brisbane Road

Reading RG30 2PE  
United Kingdom

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:  
Plan Change PC 42 Wayby Valley

I will make my submission in a separate document which I will submit by email (intended submission date / time - evening of 26th May).

Property address: 1232 State Highway 1, Wayby Valley, between Wellsford and Warkworth, adjoining Dome Valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
Please refer to separate submission document.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

## **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

### **Submission on proposed Plan Change 42: 1232 State Highway 1, Wayby Valley**

I am writing to object to this proposed plan change, on the basis that the proposals do not fulfil the Purposes and Principles of the Resource Management Act 1991 (RMA) including the key Purpose in Section 5 of the Act: the sustainable management of resources.

Both the resource consent application and the proposed plan change entail an impressive assemblage of information, for the most part commensurate with the requirements of RMA although, as noted in this submission, with some notable gaps. I write as a private individual, and like most individuals making submissions have the usual range of both work and non-work related responsibilities, which even with the doubling of the statutory timeframe has made it a significant challenge to work through the volume of technical reports provided within the notification period. I have conducted an extensive although by no means complete review of the documentation, and it may be the case that some of the points raised in my submission have already been addressed within the reports. However, from my reading it is clear that the central issue of sustainable management of resources is inadequately provided for in the proposals, and I am therefore writing to objection to both the resource consent application and the proposed plan change.

As there is significant common ground between the resource consent application and the proposed plan change, and partly due to time constraints with making this submission, there is some reference within this submission to documentation from both.

### **Tangata whenua**

I acknowledge the key roles of tangata whenua in kaitiakitanga the management of natural and physical resources. I also note the considerable consultation undertaken by the applicant with tangata whenua. Due to time constraints in the preparation of this submission, I have not been able to make contact with local iwi in the course of writing this objection, but am forwarding a copy of it at the same time as making this submission, to addresses Ngāti Manuhiri and Ngāti Whātua o Kaipara. I am also seeking contact details for the other groups consulted by the applicants, and will send a copy of this submission on to each of them:

- Ngāti Rango
- Ngāti Wai
- Ngāi Tai ki Tāmaki
- Ngāti Maru
- Ngāti Te Ata
- Ngāti Whātua Ōrākei
- Te Kawerau ā Maki, and
- Te Rūnanga o Ngāti Whātua.

I would welcome any opportunity to come to a deeper understanding of the views of iwi in regards to this proposal. While I do not have a full understanding of how the concerns raised by iwi have been addressed in the course of consultation by the applicant, I would support any objection by any of the above local groups under RMA section 6(e) and, if applicable, (g).

### **Other community groups**

Due to the wide interest in this proposal, I will also be sending a copy of my submission to councillors at Auckland Council and Kaipara District Council, and to yet-to-be identified environmental groups. I have happy to provide a list of these groups in due course, on request.

I would welcome any opportunity to work with local community and other groups that share the same concerns that I have set out in this submission.

### **Auckland's Zero Waste target**

RMA section 74 (1) requires that the proposed district plan change shall be determined in accordance with (b) *the provisions of Part 2 of the Act...*, and that the Council shall have regard to section 74 2 (b)(i) *management plans and strategies prepared under other Acts*.

The Auckland Waste Management and Minimisation Plan WMMP was prepared in accordance with the Waste Minimisation Act 2008, with reference also to the Local Government Act 2002 and a range of other legislation (as listed on p. 24-25 of the WMMP). As such, in determining the proposed plan change, it must be considered in accordance with RMA section 74 (1)(b) and (2)(b)(i).

For NZ Waste Management (NZWM), the application appears to signal a business as usual approach to waste management: Auckland produces waste; NZWM is contracted to dispose of a significant proportion of that waste; landfill is a tried and tested waste disposal technology; and NZWM operates landfills. As an example of operating within linear economy, the system works, pretty much all of the time and when it doesn't, presumably the fall-out can be cleaned up and mitigated. The application briefly considers the Zero Waste target in the Auckland Waste Management and Minimisation Plan (WMMP), then essentially writes the target off as unattainable. So, there is a fundamental disconnection in thought and perception of the outcome of both the application and the proposed plan change in regard to the range of resources is being considered. Both the resource consent and the plan change applications appear to deal fairly comprehensively with the range of issues that relate to the use of the land and the impacts on *the life-supporting capacity of air, water, soil, and ecosystems*, although there are gaps and omissions, some of which are noted later in this submission. However, the philosophical viewpoint of the landfill approach ignores circular economic concepts of "waste" as a vast resource that like any truly renewable resource, also needs to be utilised rather than wasted - the more so because significant components of this waste are not renewable. As such, the proposal misses a key opportunity for the way that waste is handled to more fully *enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety while also sustaining the potential of this resource to meet the reasonably foreseeable needs of future generations*. To exclude this aspect of resource use from consideration avoids looking at the bigger picture of and true sustainability implications for treating waste, opting instead for its treatment on a "business as usual" linear model.

Selection of the Wayby Valley site pre-assumes that consumer and corporate behaviour will not change in line with the expectations of the Auckland Waste Management and Minimisation Plan (WMMP), which aims for zero waste to landfill by 2040. While for the purposes of determining the resource consent application this is not one of the list of statutory documents in section 104(1)(b), it should be given substantial weight in the decision-making process, under section 104(1)(c) of the Act.

The landfill requirement between now and 2040 remains substantial, but proposed landfill's capacity in the resource consent, at 25 million tonnes, is far in excess of what is required within WMMP targets. For the Plan Change, the creation of a Landfill Precinct provides a clear path to additional future landfill as well, for example within Valley 2 which is mentioned within the Plan Change documents although with no reference to future capacity. Without doing the detailed maths on how the remaining capacity at Redvale and elsewhere aligns with the requirements of the WMMP, it is apparent that additional landfill capacity will be required between the closing of Redvale and 2040. A landfill strategy that is aligned with Auckland's zero waste aspirations would have required the consideration of smaller sites, which appear however to have been excluded from the site selection process. This is, presumably, because they would not have aligned with Waste Management New Zealand's business plan.



Information on the site selection process within the application is very sparse, and gives no way of knowing whether smaller sites that may have been suitable for this purpose were passed over. It is also unclear as to why site selection was restricted to north of Auckland only.

It is possible that the Wayby Valley site could be operated as a smaller landfill than the proposed 25 million tonne capacity. For any of the closest neighbours who may have concerns about the buffer distances between their homes and the landfill, this could - depending on the layout of any reduced proposal - be one way in which to their concerns might be at least partly allayed. However, the economics of the scheme would presumably be very different from what is currently being proposed, and it appears likely this would need to be the subject of new applications. For a smaller landfill proposal, it could be that a reduced precinct size would be appropriate. However, these issues would need to be re-weighed against the comparative merits of other sites that could provide a similar capacity to what would be required and compatible with Auckland's 2040 zero waste target.

111.2

### **Collection catchments and transport routes**

The application appears to be silent on the issue of collection catchments within Auckland, although it is noted that the Woodford landfill will have some capacity to continue dealing with South Auckland waste. There appears also not to have been any assessment of transport routes within the transport reports. The fact that this information has been omitted would presumably allow for waste to be transported from anywhere within the Auckland region and indeed, from beyond. The site is relatively well positioned to take waste from Northland, and while transportation from south of Auckland would involve greater mileage the use of the site could not be ruled out in the event of other commercial opportunities arising for WMNZ; transporting waste from outside the region from either or both directions could present possible feasible Plans B for the company as WMMP zero waste targets take effect.

If resource consent is granted, it is considered that a condition or other legal instrument be imposed or entered into to set the future catchment for the landfill.

111.5

### **Ecological impacts (with reference also to the Landscape and Visual Assessment)**

Within the Plan Change documents, Technical Report G was not available on line. Does this have any implications for the notification of the plan change ?

The resolution and scale of maps within the Technical Report G Appendices as available on the Council's website are inadequate to gain an accurate appreciation of the significance of the loss of native trees and vegetation. Any clearance of significant native vegetation should be resisted. While it appears that this is for the most part achieved, at least in the case of the main fill and stockpile areas, the access roads and will result in the clearance of some mature native forest and a significant area of regenerating forest. Stockpile 1 in the Western Block also results in the loss of some mature native forest.

I was unable to find, either in the ecology or in the Landscape and Visual Assessment:

- (i) Any reference to individual tree sizes. There is a reliance with the ecology assessment on modelled tree canopy heights, but this results in a lack of information about the size of individual significant native trees.
- (ii) How many and which significant native trees could be removed ?

With regards to (i) above, in the Plan Change Technical Report G, Appendix B maps Figures 5 - 7, there may be disparities between high value tree species and forest classes. As noted above, the resolution and scale of these maps as available on the Council's website are inadequate to gain an accurate appreciation of any loss of significant native trees.

With reference to Appendix C Figure 5 in the resource consent application, the plan shows an area of pink alongside the main access road which is not shown on the key. It may well be that this is shown elsewhere with the suite of resource consent applications e.g. full earthworks, but this is not explicit. A particular concern I have with this is that some of the large significant trees which are identified within the ecology assessment along the route will be removed or damaged by roading activities. Changes in their vicinity should protect their full rooting zones (not just the area within the canopy dripline) and take into account changes in the localised hydrological regime resulting from road construction. Adverse impacts on the stream adjacent to the proposed access road are also likely to arise from earthworks in forming the road. On the basis of the information provided, neither resource consent nor plan change should be granted.

111.3

The Integrated Transport Assessment (figure 3.5) shows an area of vegetation to be cleared for the trailer exchange area. With reference to Plan Change Technical Report G, Appendix B Figure 5, it appears that this largely falls within wattle forest, but it also covers an area of wetland and there appears to be one kaikomako that would be lost within this area. It may also affect a rata on the north-western corner of this area, and perhaps other significant native trees as well; however, the scale and resolution of the maps is inadequate to be able to ascertain this.

Technical Report G, Appendix B Figure 5 shows the presence of rata trees. This would be expected to denote *Metrosideros robusta*; however, this is not included in the list of plants included in Technical Report G, Appendix H. Is this an error ?

While the above comments relate mainly to native vegetation, important fauna will also be compromised by the proposals. Reliance on translocation of protected species from the site is not a reliable way to ensure their survival, and there is a high likelihood that the populations and individuals intended for relocation will be lost. The Department of Conservation website advises that 40–60% of translocations fail. (Reference: <https://www.doc.govt.nz/get-involved/run-a-project/translocation/translocation-success/>).

For the above reasons, the applications do not succeed in achieving the the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna under RMA section 6(c).

If however the plan change and / or resource consent is / are to be granted, it is considered that the ecological benefits and compensation package should be increased, to require an exemplary programme of forest management to incorporate the following elements:

- (i) harvesting the commercial pine plantation in a way that will minimise hydrological impacts of clear felling,
- (ii) management of wattle forest with the aim of eventually restoring these areas to native vegetation and habitat; and
- (iii) full conversion of the pine plantation to permanent native forest.

111.4

### Climate change

The application considers the site's location within an area of very high rainfall and considers that a number of site factors including the site's elevation above sea level offer sufficient protection against future contamination of the water and soils. However, the security of site against disturbance from weather events and other natural phenomena would need to be guaranteed for a period of centuries, which is highly likely to be well beyond the lifetime of NZWM. Future maintenance is likely therefore to become a public responsibility at some points. The uncertainties of climate change are such that there can be no guarantee that sea level rise and the inland incursion of tidal systems will not, at some point, bring the landfill within the influence of coastal processes. While worst case scenarios for sea level rise suggest that this is likely to be a maximum

1.0m by the end of this century, scientific knowledge of the possible impacts of global warming on the Antarctic ice sheet presents a range of scenarios, some of which include very much higher sea level rises if greenhouse gas emissions continue with little abatement. While it is difficult to imagine a future with sea levels as high as the site's 24m elevation than they are today, coastal processes and changing natural hydrology mean that climate change-related impacts could be experienced at the site with a lower (but still high) sea level rise. Difficult to imagine though this may be, good planning and the fulfilment of Part 2 of the Act means that all scenarios must be carefully considered and taken into account in the planning of this or any other future landfill in the region. Failure to consider this possibility means that the applications do not have sufficient regard to climate change, as required by RMA section 7(i).

### **Alternative means of disposal**

I note that the WMMP currently excludes waste incineration as an option. Achieving the 2040 zero waste target means that more innovative solutions must be sought that move the waste resource higher up the waste hierarchy. While waste incineration has been excluded from the WMMP, I would however point out some inaccuracies within the application in the information put forward with regards to waste incineration (the underlined text are assertions put forward in the applications). These points are made with particular reference to the treatment of waste by Energy from Waste (EfW) incineration as currently practiced on a commercial scale in the UK.

Ash must be disposed of to landfill: While some countries have reduced waste through adopting incineration processes do landfill ash, this is not universally the case. Two types of ash can be recovered in modern Energy from Waste (EfW) facilities, and currently in the UK both types are utilised in building products. The largest ash component is bottom ash, which depending on how well waste has been separated may contain a proportion of recyclable metals. This is mechanically separated, and the ash used as a component in concrete building blocks. Smaller but still significant quantities of what is sometime called fly ash are also recovered, which arises from the cleaning of exhaust gases before release through flues or chimneys. Cleaning of flue gases uses a significant amount of lime which is used added during the cleaning process to "scrub" out toxins. As a result, the fly ash in turn contains a large proportion of lime, and this can also be recycled into a carbon positive building material that absorbs carbon dioxide for a period of time after being used in construction.

Produces air pollution: In the UK and EU, modern EfW facilities must meet stringent air quality standards in order to be licensed and allowed to operate. Detailed assessment of a full range of potential air pollutants is carried out, to ensure that no unacceptable impact occurs for either people or for protected habitats.

Cities are dependent on the energy produced: In the UK at least, this is not true, and it is unlikely to be the case elsewhere. EfW facilities make a useful contribution to energy needs, but this is a relatively minor component in the overall electricity mix within the UK; a facility processing up to 450,000 tonnes of waste per annum produces about 44 MW of electricity, of which 6 MW is used within the facility and 39 MW exported to the grid.

### **Conclusion**

The proposed plan changed will not meet the RMA section 74 (1) requirement to be in accordance with the provisions of Part 2 of the Act, and should therefore be refused.

**Personal statement**

I am a New Zealander who has lived and worked in the UK for many years. I lived in Auckland for a couple of years before moving further south and then eventually overseas, and lived in Northland for many years prior to that. Most trips between the city and where I lived three hours drive north of Auckland took me through Dome Valley. I visited again recently, and after reading the submitted documentation I believe that it is in the public interest that I put forward the above views in objection to both the resource consent application and the proposed plan change.

I am a chartered town planner, and have been a member of the Royal Town Planning Institute since 2013. I was a full member of the NZPI from 2006 to 2016, and resigned only when it became apparent that in all likelihood I would be spending most of the remainder of my working life in the UK.

Alistair de Joux

26 May 2020

Email: [aldejoux@aol.co.uk](mailto:aldejoux@aol.co.uk)

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Shannon Greenwood

Organisation name:

Agent's full name:

Email address: [shannonryanonline@gmail.com](mailto:shannonryanonline@gmail.com)

Contact phone number: 17078612272

Postal address:

Snells Beach  
Snells Beach 0920

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:  
Landfill precinct

Property address: 1232 State Highway 1, Wayby Valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The proposal conflicts with sound resource management principles; the purpose and principles of the Resource Management Act 1991, the Auckland Unitary Plan, National Policy Statements on Freshwater Management; Waste Minimisation Act 2008 and the Auckland Council Waste Management and Minimisation Plan.

Shannon here. I was born in Warkworth and raised equally between Snells Beach on the east coast, and Glorit Hoteo on the west. My father was raised in Snells Beach and worked solo as a longline fisherman for Leigh (Lee Fish) Fisheries. He now works for Bio Marine Oysters with farms in the Kaipara Harbour and Mahurangi waterways. His livelihood, therefore, my livelihood, depended and still depends on the health of our waters. My Grandparents had a small organic dairy farm in Glorit, eventually standing on its own as Verona Organics. My mum grew up here, and I too lived on this farm next door to Puatahi Marae. Their livelihood, therefore, my livelihood, depended and still

depends on the health of the waters and land.

I was schooled in Warkworth, Tauhoa and Wellsford. As any child educated in this area would know, our natural and cultural surroundings were a big part of our lessons. How lucky we are, us clean green Kiwi kids, to venture out into the environment and gain an education beyond the walls of a classroom, with an opportunity to connect to the people and stories of all around us. Now, here I am questioning why anyone bothered to waste their energy on lessons that would come to cause disappointment and confusion to the woman that I have become.

As I've traveled and lived abroad, I have sung praises of the unique and special spans of lands, coasts, and people that were and still are integral to who I am today. Do you realise how much positive feedback we get as New Zealanders? Countless chit chats with strangers, some who have NEVER been to our fine country reporting a glowing image, an image that I intend to uphold.

Some of my strongest childhood memories are of swimming in the Hotoe river. Jumping off the bridge and into the waters coming in from the Kaipara Harbour and out of the Hotoe River on hot summer days. As I grew older, I kayaked with my year 12 peers on an excursion organised by Mahurangi College, which took us throughout the Hotoe River for a staged rough night 'lost' in the bush. That experience itself has popped up numerous times as I reflect on how incredibly giving our homelands have been. Lessons and insights that are a gift, I know, because of the response I have received when recounting my youth experience to new friends from around the globe that I have made along the way.

And this is just me. One human, one a leaf on a tree firmly rooted in the very lands at risk because of old fashioned business and failed practice. What sort of contradiction is actually being considered here? I believe no land or community deserves a landfill. I believe there are good alternatives available and this is a blatant money-making mockery on clean green NZ. We cannot sit in idle as proven failures continue to press on due to one key factor. Money. A lot of money. This is not a service. This is not waste management.

As for our future. I planted trees along various waterways when I was little, just as children right throughout the region continue to do now. What are we to tell them when they inevitably discover that the ways we are teaching them don't hold up in the big bad world after they leave school? How are they to feel about who they are and where they stand if our practices are in contradiction to the teachings that inspire their purpose in life? I know how they feel, and I won't stand for it.

Just last year, I spent time with hundreds of others including service men and women from the NZ Army, Navy and Airforce assisting in the Fox Glacier landfill landslide clean up. Please justify to me the sense it makes to send our Defence Force to clean up after a landfill spill into a river, and in addition commit taxpayer dollars to the health of the Kaipara Harbour, all while planning another landfill? Need I repeat this cycle again, or is once enough? I saw the impact of a landfill years after it was decommissioned. It was clear the cleanup mission was futile knowing that a plan to create another landfill by waterways leading to the Kaipara Harbour was in motion. We now know that our trash doesn't disappear when it gets dropped off at the landfill. Thankfully, we can look to places like Raglan and to the great minds using their academic and scientific prowess to look for the solutions of change.

We cannot bury a problem. The tide has turned and in doing so has washed up the waste of our ways. I see the message and support a change in how we manage our waste, and also how we as a country chose to consume. Allowing for a landfill sets the stage for a much larger problem to continue to perpetuate with astronomical and certain risk to the environment and all it hosts.

What more can I say of my own personal experience that without scientific backing should be enough to pull our community, our country, into deep reflection. I returned to a waterway in Makarau that I could swim in as a child. It was foul. Too many times now I revisit places that once inspired clean green NZ pride in me. Now I feel a sense of shame, knowing things have come to this, despite what I was taught. Despite what we are teaching. I will not stand for it.

So, while I am confused, the reasons make sense. While I am disappointed, I have a deeply ingrained optimism. I have had teachers who continued to provide the lessons. For that, I am thankful. Because they prepare us, for now, they remind us of our purpose, they hold us accountable. Thankfully, Aotearoa New Zealand produces some who stand by the clean green image of the land they call

home, who are connected to the mana, to the environment, and to the lessons that are there for a reason. Perhaps so that some of us wouldn't forget. So that we would be prepared for the never-ending onslaught of a greed feeding from the broken system we have been conditioned to rely on.

As an adult I feel strength in the foundation that my upbringing built within me. It would be a crime to cheat future generations out of this and put all that our environment hosts at risk.

I am opposed to this landfill. The water is murky. The reasons are clear.

Ko Atuanui te maunga  
Ko Hoteo te awa  
Ko Kaipara te moana  
Ko Puatahi te kainga  
Ko Shannon Ryan toku ingoa

I or we seek the following decision by council: Decline the plan modification

112.1

Submission date: 26 May 2020

Supporting documents  
Plan Change attached information \_20200526090113.600.pdf

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## **5.2. Resource Management Act 1991 (Reprint as at 19 December 2018)**

The following sections of the RMA highlight existing clauses that demonstrate that this proposed site is unsuitable for a landfill. Note: weblinks have been supplied at the end of each section for ease of locating the information.

### Part two. Purpose and Principles

#### 5. Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231905.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231905.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

#### 6. Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231907.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231907.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

#### 7. Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) kaitiakitanga:
  - (aa) the ethic of stewardship:
- (b) the efficient use and development of natural and physical resources:
- (d) intrinsic values of ecosystems:
- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:



(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231910.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel\\_25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231910.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel_25 h&p=1)

## 8. Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231915.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel\\_25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231915.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel_25 h&p=1)

## Part three. Duties and restrictions under this Act

### Land

#### 9. Restrictions on use of land

(1) No person may use land in a manner that contravenes a national environmental standard.

(2) No person may use land in a manner that contravenes a regional rule.

(3) No person may use land in a manner that contravenes a district rule.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231918.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel\\_25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231918.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel_25 h&p=1)

### Coastal marine area

#### 12. Restrictions on use of coastal marine area

(1) No person may, in the coastal marine area,—

(d) deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed;

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231949.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel\\_25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231949.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel_25 h&p=1)

### River and lake beds

#### 13. Restriction on certain uses of beds of lakes and rivers

(1) No person may, in relation to the bed of any lake or river,—

(d) deposit any substance in, on, or under the bed; or unless expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.

(2) No person may do an activity described in subsection (2A) in a manner that contravenes a national environmental standard or a regional rule unless the activity—

(2A) The activities are—

(b) to damage, destroy, disturb, or remove a plant or a part of a plant, whether exotic or indigenous, in, on, or under the bed of a lake or river:

(c) to damage, destroy, disturb, or remove the habitats of plants or parts of plants, whether exotic or indigenous, in, on, or under the bed of a lake or river:

(d) to damage, destroy, disturb, or remove the habitats of animals in, on, or under the bed of a lake or river.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231970.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231970.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

#### Discharges

##### 15. Discharge of contaminants into environment

(1) No person may discharge any—

(a) contaminant or water into water; or

(b) contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or

... unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231978.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231978.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

#### Noise

##### 16. Duty to avoid unreasonable noise

(1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.

(2) A national environmental standard, plan, or resource consent made or granted for the purposes of any of sections 9, 12, 13, 14, 15, 15A, and 15B may prescribe noise emission standards, and is not limited in its ability to do so by subsection (1).

#### Adverse effects

##### 17. Duty to avoid, remedy, or mitigate adverse effects

(1) Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with—

(a) any of sections 10, 10A, 10B, and 20A; or

(b) a national environmental standard, a rule, a resource consent, or a designation.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231999.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231999.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

### Part five. Standards, policy statements, and plans

#### Subpart 1—National direction

##### National environmental standards

##### 43A. Contents of national environmental standards

(3) If an activity has significant adverse effects on the environment, a national environmental standard must not, under subsections (1)(b) and (4),-

(a) allow the activity, unless it states that a resource consent is required for the activity;

Or

(b) state that the activity is a permitted activity.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM233303.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+resel\\_25\\_h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM233303.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+resel_25_h&p=1)

### Schedule 3

#### Water quality classes

The standards listed for each class apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbations that may affect the water body.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM241596.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+resel\\_25\\_h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM241596.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+resel_25_h&p=1)

### **Auckland Regional / Unitary Plan**

The following quoted evidence is from (*Auckland Council, 2012 – Operative from 30.09.2013: Auckland Council Regional Plan: Air, Land and Water* <http://www.aucklandcity.govt.nz/council/documents/regionalplans/airlandwater/alwp2012wholeplan.pdf>)

This plan explains the purpose of the RMA is: “to promote the sustainable management of natural and physical resources” (*Chapter 1, Page 1, Para 5*) and defines “sustainable management” to mean: “managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.” (*Chapter 1, Page 1, Para 6-9*)

“The control of the use of land for the purpose of –

- (i) Soil conservation;
- (ii) The maintenance and enhancement of the quality of water in water bodies;
- (iii) The maintenance of the quantity of water in water bodies and coastal water;
- (iiia) The maintenance and enhancement of ecosystems in water bodies and coastal water;
- (iv) The avoidance or mitigation of natural hazards.” (*Chapter 1, Page 4, Para 8-13*)

### **National Policy Statement for Freshwater Management 2014**

In a nutshell, the Freshwater NPS directs regional councils, in consultation with their communities, to set objectives for the state of fresh water bodies in their regions and to set limits on resource use to meet these objectives.

Some of the key requirements of the Freshwater NPS are to:

- consider and recognise Te Mana o te Wai in freshwater management
- safeguard fresh water's life-supporting capacity, ecosystem processes, and indigenous species
- safeguard the health of people who come into contact with the water
- maintain or improve the overall quality of fresh water within a freshwater management unit
- improve water quality so that it is suitable for primary contact more often
- protect the significant values of wetlands and outstanding freshwater bodies
- follow a specific process (the national objectives framework) for identifying the values that tāngata whenua and communities have for water, and using a specified set of water quality measures (called attributes) to set objectives
- set limits on resource use (eg, how much water can be taken or how much of a contaminant can be discharged) to meet limits over time and ensure they continue to be met
- determine the appropriate set of methods to meet the objectives and limits
- take an integrated approach to managing land use, fresh water and coastal water
- involve iwi and hapū in decision-making and management of fresh water.

<https://www.mfe.govt.nz/fresh-water/national-policy-statement/about-nps>

### **Waste Minimisation Act 2008**

#### **Purpose of this Act**

The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to—

- (a) protect the environment from harm; and
- (b) provide environmental, social, economic, and cultural benefits.

<http://www.legislation.govt.nz/act/public/2008/0089/latest/DLM1154501.html>

### **Waste Management and Minimisation Plan**

The Waste Management and Minimisation Plan 2018 sets out our steps for the next six years.

There are nine key actions in the plan:

- advocate to central government for an increased waste levy
- encourage producers and consumers to think more carefully about the life cycle of products (product stewardship)
- work closely with the commercial sector to manage what happens to organic, plastic, and construction and demolition waste

- create a network of 12 community recycling centres across Auckland
- focus on reducing litter, illegal dumping and marine waste
- continue to improve our kerbside rubbish and recycling collections
- begin offering kerbside collection of food scraps
- address our own waste practices
- partner with others to achieve a zero-waste Auckland.

**FORM 5**

**Submission on a notified proposal for Private Plan Change 42 Auckland Regional Landfill, Wayby Valley under Resource Management Act 1991**

26 May 2020

Auckland Council  
Plans and Places  
Private Bag 92300  
Auckland 1142  
Attn: John Duguid

Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**Name of submitter: The New Zealand Transport Agency**

This is a submission on Private Plan Change 42 Auckland Regional Landfill, Wayby Valley (**Plan Change**) to the Auckland Unitary Plan (operative in Part).

The New Zealand Transport Agency (**the Transport Agency**) could not gain an advantage in trade competition through this submission.

**NZ Transport Agency role and responsibilities**

The Transport Agency is a Crown Entity established by Section 93 of the Land Transport Management Act 2003 (**LTMA**). The Transport Agency's objective is to undertake its functions in a way that contributes to an effective, efficient, and safe land transport system in the public interest. The Transport Agency's roles and responsibilities include:

- Managing the State Highway system, including planning, funding, designing, supervising, constructing, maintaining and operating the system.
- Managing funding of the land transport system, including auditing the performance of organisations receiving land transport funding.
- Managing regulatory requirements for transport on land and incidents involving transport on land.
- Issuing guidelines for and monitoring the development of regional land transport plans.

The Plan Change relates to areas that adjoin and potentially affect State Highway 1. The Transport Agency's interest in this proposed Plan Change stems from its role as:

- A transport investor to maximise effective, efficient and strategic returns for New Zealand.
- A planner of the land transport network to integrate one effective and resilient network for customers.

- Provider of access to and use of the land transport system to shape smart efficient, safe and responsible transport choices.
- The manager of the State Highway system and its responsibility to deliver efficient, safe and responsible highway solutions for customers.
- A collaborative partner in Te Tupu Ngātahi (Supporting Growth Alliance).

#### **Government Policy Statement on Land Transport.**

The Transport Agency also has a role in giving effect to the Government Policy Statement on Land Transport (**GPS**). The GPS 2018 is required under the LTMA and outlines the Government's strategy to guide land transport investment over the next 10 years.

The four strategic priorities of the GPS are safety, access, environment and value for money. The National Objectives for land transport include a transport system that:

- Is a safe system, free of death and serious injury.
- Provides increased access to economic and social opportunities.
- Enables transport choice and access.
- Is resilient.
- Reduces greenhouse gas emissions, as well as adverse effects on the local environment and public health.
- Delivers the right infrastructure and services to the right level at the best cost.

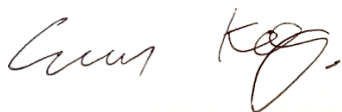
#### **Decision sought**

The Transport Agency is neutral with regard to the Plan Change for the landfill, but supports the provisions relating to transportation as set out in Table 1, attached.

#### **Hearings**

The Transport Agency wishes to be heard in support of its submission. If others make a similar submission, the Transport Agency will consider presenting a joint case with them at a hearing.

Signature of person authorised to sign on behalf of Submitter:



#### **Evan Keating**

Principal Planner  
NZ Transport Agency

Address for Service of person making submission:

NZ Transport Agency  
Contact Person: Evan Keating  
Email: [Evan.Keating@nzta.govt.nz](mailto:Evan.Keating@nzta.govt.nz)

Table 1: Private Plan Change 42: Auckland Regional Landfill, Wayby Valley

No.	Provision Number	Provision	Agency Submission / Relief Sought	
1	I617 Objective 3	Adverse effects arising from the development and continued operation of the Auckland Regional Landfill are avoided, remedied or mitigated, or, to the extent reasonably practicable, and as offered by the applicant, offset, or compensated.	<b>Submission:</b> Support. <b>Reason:</b> Adverse effects from the development of the site should be managed and the policy framework should recognise this.	113.1
2	I617.4.1 Activity table	Discretionary activity status for construction and operation of landfills and ancillary activities.	<b>Submission:</b> Support. <b>Reason:</b> The Transport Agency supports the proposed activity status so that all effects (including transportation effects) can be considered in resource consents.	113.2
3	I617.5 Notification	Requirement for public notification of any application for landfill activities	<b>Submission:</b> Support <b>Reason:</b> Due to the potential for traffic generation or other transportation effects, all applications to develop the site for landfill activities need to be publicly notified.	113.3
4	I617.10 Precinct plan	Insertion of a precinct plan in the AUP(OIP)	<b>Submission:</b> Support. <b>Reason:</b> The Transport Agency supports the proposal for a precinct plan as it will highlight the location of the activity on the planning maps within the AUP(OIP).	113.4



The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Alastair Brickell

Organisation name: Stargazers B&B and Astronomy Tours

Agent's full name:

Email address: [abrickell@xtra.co.nz](mailto:abrickell@xtra.co.nz)

Contact phone number: 078665343

Postal address:  
9 School of Mines Lane  
RD2  
Kuaotunu  
Whitianga 3592

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:  
Entire Plan Change 42

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
Council should give full consideration to the use of high temperature incineration of its waste instead of landfill disposal.

I or we seek the following decision by council: Decline the plan modification

114.1

Submission date: 26 May 2020

### Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Fern Sutherland

Organisation name:

Agent's full name: Fern Sutherland

Email address: [fernsuth@gmail.com](mailto:fernsuth@gmail.com)

Contact phone number:

Postal address:  
680 Manutahi Road  
RD3 Lepperton  
New Plymouth  
New Plymouth 4373

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:

The site clearly does not align with the Resource Management Act, the Unitary/Regional Plans of the area, and to the Waste Industries own landfill siting criteria.

Property address: 1232 State Highway 1 Wayby Valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

This submission is being made because of an immediate risk to surrounding environments, people and businesses by this proposed landfill. Due to nearby extensive waterways, native and threatened species and ecosystems, and local communities in the proposed landfill area, there is clearly a lack of regard for protecting the land and its people from the far-reaching and long-lasting impacts of landfills by this proposal.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

## **Attend a hearing**

Do you wish to be heard in support of your submission? No

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## Form 5

### Submission on a notified proposal for policy statement or plan, changes or variation

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Auckland Council  
**Submitter:** Skywork Helicopters Limited

This is a submission on Proposed Plan Change 42 (Private) Auckland Regional Landfill Wayby Valley to the Auckland Unitary Plan (the **proposal**):

Skywork Helicopters Limited could not gain an advantage in trade competition through this submission.

Skywork Helicopters Limited is directly affected by an effect of the subject matter of the submission that adversely affects the environment.

The specific parts of the Request that the submission relates to are the effects of additional traffic on the safe and effective operation of the intersection of Goatley Road, Kaipara Flats Road and State Highway 1.

The submission seeks that, appropriate objectives and policies supported by assessment criteria be added to the Precinct provisions to enable the assessment of traffic effects that may arise in the future associated with activities that the Precinct enables such as new landfills and renewable energy for example.

If approved the Precinct will enable landfill activities to be assessed as a Discretionary activity. The Note to the proposed Activity Table states:

*Specifically, the rules in this table are intended to replace E3.4.1 (A49) E13.4.1 (A9), E14.4.1 (A160), and H19.8.1 (A67), and are intended to apply instead of any plan rules which classify landfills or associated activities as non-complying.*

Whilst the intention of the Precinct is supported it does not appropriately capture traffic effects. Chapter E27 will not enable proper consideration of traffic effects on the wider network. In any event Chapter E27 provides for activities that exceed the specified trip generation standards as a Restricted Discretionary activity and E27.6.1(2) enables exclusion of assessment of trip generation effects if the provisions i.e. the Proposed Precinct provisions are approved on the basis of an Integrated Transport Assessment (ITA) and the effects are the same or similar in character, intensity and scale to those identified in the ITA.

The proposed landfill activity will generate additional traffic, particularly heavy traffic movements<sup>1</sup> on State Highway 1 north through the Dome Valley to the subject site. Skywork Helicopters operates from an established base in Goatley Road. The safety and efficient operation of the Goatley Road, Kaipara Flats Road and State Highway 1 intersection will be affected by the addition of an estimated 520 waste truck movements per day<sup>1</sup>. The location of this intersection is shown in Figure 2-2 of the Integrated Transport Assessment (ITA) provided in support of the application.

Traffic to the proposed regional landfill will exit the motorway extension at Warkworth and travel north to the site as confirmed in the ITA that acknowledges the majority of traffic will be to and from the south because that is where the main population is located.

The Goatley / Kaipara Flats / State Highway 1 intersection is located a short distance north of where Ara Tuhono (northern motorway extension) will reconnect with the existing State Highway 1. This area is rapidly changing due to several development proposals:

- The establishment and increased activity associated with Keith Hay Homes, Treescape and industrial yard activities that have been consented on the northern side of the Goatley Road intersection.
- Increased rural residential living occurring on Goatley Road and Kaipara Flats Road.
- Consents for development of the live zoned Business – Light Industry land.
- Approval of Private Plan Change 25 - Warkworth North enabling additional residential and business land development.
- Construction on the Matakana Link Road commencing.
- Increased holiday and weekend traffic in this locality; and
- Proposed Private Plan Change 40 - Clayden Road being advanced.

Figure 2-5 of the ITA demonstrates that the Goatley / Kaipara Flats / State Highway 1 intersection is included in the defined Road Safety Study Area. However, there is no specific assessment or comment on the effects of traffic associated with the landfill activity on this intersection – either future effects, or actual effects including cumulative effects.

The ITA (Technical Report M), the further information provided specifically in response to Transport Bullet Point 2 that is responded to in the 30 January 2020 response; and AEE do not specifically address effects on the safety and operation of this intersection.

Skywork Helicopters Limited considers that the additional traffic movements on State Highway 1 north, associated with the proposed regional landfill facility will negatively impact on the safety and efficient functioning of this intersection. The Stantec January 2020 response notes that the proposed activity is expected to increase heavy vehicle volumes by 12% to 13% in the 2028 operational year. The Goatley Road / Kaipara Flats Road / State Highway 1 intersection is already identified to have safety and functioning issues. The additional traffic arising from the proposed activity will have adverse effects on this intersection that will require avoidance and / or mitigation.

Skywork Helicopters Limited are not aware of any improvements proposed by the New Zealand Transport Agency (NZTA) that would avoid or suitably mitigate the adverse effects of the additional traffic on the safe and efficient operation of this intersection. Although NZTA is proposing upgrades through the Dome Valley to improve safety Skywork Helicopters are not aware that these upgrades target improvements to this intersection.

The Waste Management proposal will directly negatively impact the safety and efficient operation of the intersection and these effects actual, cumulative, and future effects need to be considered.

---

<sup>1</sup> ITA, Stantec, page 8, paragraph 2 - assumption that most trips will arrive from and depart towards the south

Skywork Helicopters Limited seek that the Private Plan Change Request be Approved but only on the basis that suitable objectives, policies, and assessment criteria that address traffic effects on the wider roading network are incorporated.

Skywork Helicopters Limited do wish to be heard in support of its submission.

\*If others make a similar submission, I will consider presenting a joint case with them at the hearing.



(person authorised to sign  
on behalf of submitter)

Date 25 May 2020

Address for Service:

Burnette O'Connor (Agent)

Planner / Director

The Planning Collective

[burnette@thepc.co.nz](mailto:burnette@thepc.co.nz)

+64 21 422346

## Form 5

### Submission on a notified proposal for policy statement or plan, changes or variation

*Clause 6 of Schedule 1, Resource Management Act 1991*

**To:** Auckland Council  
**Submitter:** Goatley Holdings Limited (“GHL”)

This is a submission on Proposed Plan Change 42 (Private) Auckland Regional Landfill Wayby Valley to the Auckland Unitary Plan (the **proposal**):

GHL could not gain an advantage in trade competition through this submission.

GHL is directly affected by an effect of the subject matter of the submission that adversely affects the environment.

The specific parts of the Request that the submission relates to are the effects of additional traffic on the safe and efficient operation of the intersection of Goatley Road, Kaipara Flats Road and State Highway 1.

The submission seeks that, appropriate objectives and policies supported by assessment criteria be added to the Precinct provisions to enable the assessment of traffic effects that may arise in the future associated with activities that the Precinct enables such as new landfills and renewable energy for example.

If approved the Precinct will enable landfill activities to be assessed as a Discretionary activity. The Note to the proposed Activity Table states:

*Specifically, the rules in this table are intended to replace E3.4.1 (A49) E13.4.1 (A9), E14.4.1 (A160), and H19.8.1 (A67), and are intended to apply instead of any plan rules which classify landfills or associated activities as non-complying.*

Whilst the intention of the Precinct is supported it does not appropriately capture traffic effects. Chapter E27 will not enable proper consideration of traffic effects on the wider network. In any event Chapter E27 provides for activities that exceed the specified trip generation standards as a Restricted Discretionary activity and E27.6.1(2) enables exclusion of assessment of trip generation effects if the provisions i.e. the Proposed Precinct provisions are approved on the basis of an Integrated Transport Assessment (ITA) and the effects are the same or similar in character, intensity and scale to those identified in the ITA.



The proposed landfill activity will generate additional traffic, particularly heavy traffic movements<sup>1</sup> on State Highway 1 north through the Dome Valley to the subject site. GHL owns approximately 52-hectares of land on the corner of Goatley Road and State Highway 1. The land is zoned Business – Light Industry. An application for resource consent to subdivide the land was lodged with Auckland Council in 2018 and is on hold awaiting further information much of which is requests from NZTA and Auckland Transport.

The safety and efficient operation of the Goatley Road, Kaipara Flats Road and State Highway 1 intersection will be affected by the addition of an estimated 520 waste truck movements per day<sup>1</sup>. The location of this intersection is shown in Figure 2-2 of the Integrated Transport Assessment (ITA) provided in support of the application.

Traffic to the proposed regional landfill will exit the motorway extension at Warkworth and travel north to the site as confirmed in the ITA that acknowledges the majority of traffic will be to and from the south because that is where the main population is located.

The Goatley / Kaipara Flats / State Highway 1 intersection is located a short distance north of where Ara Tuhono (northern motorway extension) will reconnect with the existing State Highway 1. This area is rapidly changing due to development established in recent years and several development proposals currently underway:

- The establishment and increased activity associated with Keith Hay Homes, Treescape and industrial yard activities that have been consented on the northern side of the Goatley Road intersection.
- Increased rural residential living occurring on Goatley Road and Kaipara Flats Road.
- Consents for development of the live zoned Business – Light Industry land.
- Approval of Private Plan Change 25 - Warkworth North enabling additional residential and business land development.
- Construction on the Matakana Link Road commencing.
- Increased holiday and weekend traffic in this locality; and
- Proposed Private Plan Change 40 - Clayden Road being advanced.

Figure 2-5 of the ITA demonstrates that the Goatley / Kaipara Flats / State Highway 1 intersection is included in the defined Road Safety Study Area. However, there is no specific assessment or comment on the effects of traffic associated with the landfill activity on this intersection – either future effects, or actual effects including cumulative effects.

The ITA (Technical Report M), the further information provided specifically in response to Transport Bullet Point 2 that is responded to in the 30 January 2020 response; and AEE do not specifically address effects on the safety and operation of this intersection.

GHl considers that the additional traffic movements on State Highway 1 north, associated with the proposed regional landfill facility will negatively impact on the safety and effective functioning of this intersection. The Stantec January 2002 response notes that the proposed activity is expected to increase heavy vehicle volumes by 12% to 13% in the 2028 operational year. The Goatley Road / Kaipara Flats Road / State Highway 1 intersection is already identified to have safety and functioning issues. The additional traffic arising from the proposed activity will have adverse effects on this intersection that will require avoidance and / or mitigation.

GHl are not aware of any improvements proposed by the New Zealand Transport Agency (NZTA) that would avoid or suitably mitigate the adverse effects of the additional traffic on the safe and efficient

---

<sup>1</sup> ITA, Stantec, page 8, paragraph 2 - assumption that most trips will arrive from and depart towards the south

operation of this intersection. Although NZTA is proposing upgrades through the Dome Valley to improve safety GHL are not aware that these upgrades target improvements to this intersection.

The Waste Management proposal will directly negatively impact the safety and efficient operation of the intersection and these effects actual, cumulative and future effects need to be considered.

GHL seek that the Private Plan Change Request be Approved but only on the basis that suitable objectives, policies, and assessment criteria that address traffic effects on the wider roading network are incorporated.

117.1

GHL do wish to be heard in support of its submission.

\*If others make a similar submission, I will consider presenting a joint case with them at the hearing.



(person authorised to sign  
on behalf of submitter)

Date 26 May 2020

Address for Service:

Burnette O'Connor (Agent)

Planner / Director

The Planning Collective

[burnette@thepec.co.nz](mailto:burnette@thepec.co.nz)

+64 21 422346

The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Phillip Tomlinson

Organisation name:

Agent's full name: Phillip Tomlinson

Email address: [philt@37southyachts.com](mailto:philt@37southyachts.com)

Contact phone number: 021931835

Postal address:

[philt@37southyachts.com](mailto:philt@37southyachts.com)

Wellsford

auckland 0972

## Submission details

### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

### My submission relates to

Rule or rules:

Notified proposal for plan change or variation to an existing plan- Auckland Unitary Plan. Landfill precinct.

Property address: 1232 State Highway 1. Wayby Valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The reason for my or our views are:

We feel the proposal conflicts with sound resource management principles; the purpose and principles of the Resource Management Act 1991, the Auckland Unitary Plan, National Policy Statements on Freshwater Management; Waste Minimisation Act 2008, Waste Industry guidelines, Ministry for the Environment guidelines and the Auckland Council Waste Management and Minimisation Plan. We object to one off bespoke objectives, policies and rules being applied to this site. We note that the plan submitted with the application indicates the extent of the landfill precinct and it's operations to encompass the entire Waste Management site (1000ha) with Sub Precincts A and B indicated. This gives us increased concerns for the effects to neighbouring properties. For specific information see attached document 'Fight the Tip Plan Change Submission 24 May 2020'.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

Supporting documents  
Auckland Regional Landfill Plan Change Submission.pdf

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**PLAN CHANGE SUBMISSION AGAINST THE PROPOSED  
WASTE MANAGEMENT LANDFILL PRECINCT**

**By Phil Tomlinson**

**26th May 2020**

I feel the proposal conflicts with sound resource management principles; the purpose and principles of the Resource Management Act 1991, the Auckland Unitary Plan, National Policy Statements on Freshwater Management; Waste Minimisation Act 2008, Waste Industry guidelines, Ministry for the Environment guidelines and the Auckland Council Waste Management and Minimisation Plan. I object to one off bespoke objectives, policies and rules being applied to this site. I note that the plan submitted with the application indicates the extent of the landfill precinct and it's operations to encompass the entire Waste Management site (1000ha) with Sub Precincts A and B indicated. This gives us increased concerns for the effects to neighbouring properties. For more specific information see below.

**5.2. Resource Management Act 1991 (Reprint as at 19 December 2018)**

The following sections of the RMA highlight existing clauses that demonstrate that this proposed site is unsuitable for a landfill. Note: weblinks have been supplied at the end of each section for ease of locating the information.

Part two. Purpose and Principles

5. Purpose

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
  - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231905.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231905.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

6. Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231907.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231907.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

#### 7. Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(d) intrinsic values of ecosystems:

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231910.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231910.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

#### 8. Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231915.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231915.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

### Part three. Duties and restrictions under this Act

#### Land

##### 9. Restrictions on use of land

(1) No person may use land in a manner that contravenes a national environmental standard.

(2) No person may use land in a manner that contravenes a regional rule.

(3) No person may use land in a manner that contravenes a district rule.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231918.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231918.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

#### Coastal marine area

##### 12. Restrictions on use of coastal marine area

(1) No person may, in the coastal marine area,—

(d) deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed;

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231949.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231949.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

### River and lake beds

#### 13. Restriction on certain uses of beds of lakes and rivers

- (1) No person may, in relation to the bed of any lake or river,—
- (d) deposit any substance in, on, or under the bed; or unless expressly allowed by a national environmental standard, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.
- (2) No person may do an activity described in subsection (2A) in a manner that contravenes a national environmental standard or a regional rule unless the activity—
- (2A) The activities are—
- (b) to damage, destroy, disturb, or remove a plant or a part of a plant, whether exotic or indigenous, in, on, or under the bed of a lake or river:
  - (c) to damage, destroy, disturb, or remove the habitats of plants or parts of plants, whether exotic or indigenous, in, on, or under the bed of a lake or river:
  - (d) to damage, destroy, disturb, or remove the habitats of animals in, on, or under the bed of a lake or river.
- [http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231970.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+resel+25\\_h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231970.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+resel+25_h&p=1)

### Discharges

#### 15. Discharge of contaminants into environment

- (1) No person may discharge any—
- (a) contaminant or water into water; or
  - (b) contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or
- ... unless the discharge is expressly allowed by a national environmental standard or other regulations, a rule in a regional plan as well as a rule in a proposed regional plan for the same region (if there is one), or a resource consent.
- [http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231978.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+resel+25\\_h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231978.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+resel+25_h&p=1)

### Noise

#### 16. Duty to avoid unreasonable noise

- (1) Every occupier of land (including any premises and any coastal marine area), and every person carrying out an activity in, on, or under a water body or the coastal marine area, shall adopt the best practicable option to ensure that the emission of noise from that land or water does not exceed a reasonable level.
- (2) A national environmental standard, plan, or resource consent made or granted for the purposes of any of sections 9, 12, 13, 14, 15, 15A, and 15B may prescribe noise emission standards, and is not limited in its ability to do so by subsection (1).

### Adverse effects

#### 17. Duty to avoid, remedy, or mitigate adverse effects

- (1) Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with—
- (a) any of sections 10, 10A, 10B, and 20A; or

(b) a national environmental standard, a rule, a resource consent, or a designation.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231999.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231999.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

## Part five. Standards, policy statements, and plans

### Subpart 1—National direction

#### National environmental standards

#### 43A. Contents of national environmental standards

(3) If an activity has significant adverse effects on the environment, a national environmental standard must not, under subsections (1)(b) and (4),-

(a) allow the activity, unless it states that a resource consent is required for the activity;

Or

(b) state that the activity is a permitted activity.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM233303.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM233303.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

## Schedule 3

### Water quality classes

The standards listed for each class apply after reasonable mixing of any contaminant or water with the receiving water and disregard the effect of any natural perturbations that may affect the water body.

[http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM241596.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_resource+management+act+ resel 25 h&p=1](http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM241596.html?search=qs_act%40bill%40regulation%40deemedreg_resource+management+act+ resel 25 h&p=1)

## **Auckland Regional / Unitary Plan**

The following quoted evidence is from (*Auckland Council, 2012 – Operative from 30.09.2013: Auckland Council Regional Plan: Air, Land and Water*

<http://www.aucklandcity.govt.nz/council/documents/regionalplans/airlandwater/alwp2012who leplan.pdf>)

This plan explains the purpose of the RMA is: “to promote the sustainable management of natural and physical resources” (*Chapter 1, Page 1, Para 5*) and defines “sustainable management” to mean: “managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being and for their health and safety while –

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.” (*Chapter 1, Page 1, Para 6-9*)



“The control of the use of land for the purpose of –

- (i) Soil conservation;
- (ii) The maintenance and enhancement of the quality of water in water bodies;
- (iii) The maintenance of the quantity of water in water bodies and coastal water;
- (iiia) The maintenance and enhancement of ecosystems in water bodies and coastal water;
- (iv) The avoidance or mitigation of natural hazards.” (*Chapter 1, Page 4, Para 8-13*)

### **National Policy Statement for Freshwater Management 2014**

In a nutshell, the Freshwater NPS directs regional councils, in consultation with their communities, to set objectives for the state of fresh water bodies in their regions and to set limits on resource use to meet these objectives.

Some of the key requirements of the Freshwater NPS are to:

- consider and recognise Te Mana o te Wai in freshwater management
- safeguard fresh water’s life-supporting capacity, ecosystem processes, and indigenous species
- safeguard the health of people who come into contact with the water
- maintain or improve the overall quality of fresh water within a freshwater management unit
- improve water quality so that it is suitable for primary contact more often
- protect the significant values of wetlands and outstanding freshwater bodies
- follow a specific process (the national objectives framework) for identifying the values that tāngata whenua and communities have for water, and using a specified set of water quality measures (called attributes) to set objectives
- set limits on resource use (eg, how much water can be taken or how much of a contaminant can be discharged) to meet limits over time and ensure they continue to be met
- determine the appropriate set of methods to meet the objectives and limits
- take an integrated approach to managing land use, fresh water and coastal water
- involve iwi and hapū in decision-making and management of fresh water.

<https://www.mfe.govt.nz/fresh-water/national-policy-statement/about-nps>

### **Waste Minimisation Act 2008**

#### **Purpose of this Act**

The purpose of this Act is to encourage waste minimisation and a decrease in waste disposal in order to—

- (a) protect the environment from harm; and
- (b) provide environmental, social, economic, and cultural benefits.

<http://www.legislation.govt.nz/act/public/2008/0089/latest/DLM1154501.html>

#### **Waste Management and Minimisation Plan**

The Waste Management and Minimisation Plan 2018 sets out our steps for the next six years.

There are nine key actions in the plan:

- advocate to central government for an increased waste levy
- encourage producers and consumers to think more carefully about the life cycle of products (product stewardship)
- work closely with the commercial sector to manage what happens to organic, plastic, and construction and demolition waste
- create a network of 12 community recycling centres across Auckland
- focus on reducing litter, illegal dumping and marine waste
- continue to improve our kerbside rubbish and recycling collections
- begin offering kerbside collection of food scraps
- address our own waste practices
- partner with others to achieve a zero-waste Auckland.

**Various Government and Waste Industry guidelines including but not limited to:**

Centre for Advanced Engineering: Landfill Guidelines – Towards sustainable waste management in New Zealand. 2000

Ministry for the Environment: Guide for the Management of Closing and Closed Landfills in New Zealand 2001

Ministry for the Environment: Good practice guide for assessing and managing odour. 2016

Waste Management Institute New Zealand, (WasteMINZ): Technical Guidelines for Disposal to Land. 2016

Waste Management Institute New Zealand, (WasteMINZ): Technical Guidelines for Disposal to Land. 2018

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: julie pescud

Organisation name:

Agent's full name: julie pescud

Email address: [juliegrace159b@gmail.com](mailto:juliegrace159b@gmail.com)

Contact phone number:

Postal address:  
159b Galloway street  
Hamilton East  
Hamilton  
Hamilton 3216

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:  
Proposed landfill Wayby Valley

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

This area is far too beautiful to ruin with a landfill. The residents have purposefully moved here to live in a beautiful pristine and natural environment and so they should have the right to have what they have paid for. Why ruin this area? It is also a holiday hot spot. I have heard from those who live here many valid reasons why it really isn't a good idea...high rainfall which cause the Hoteo river to flood...and I have seen this too...the change in the landscape is unbelievable! I have seen flood debris in the treetops on my friends property! They live in Wayby Valley road very close to the proposed landfill site. This kind of flooding could have dire consequences for shifting landfill contents to the surrounding areas and causing all sorts of pollution and poisoning of the land and waterways. These waterways lead to the Kaipara harbour and that could have catastrophic effects on the whole eco system there...effecting the health of the Kaipara Harbour and the sea life including the fish we eat. Please listen to the residents who live in the Dome. They know the area and understand the climate

and river behaviour. They know better than anyone what is at stake here. Not only will it affect the residents of the Dome valley but the whole of New Zealand ..as the Kaipara Harbour is a very important sea sanctuary for all New Zealand sea life.

I or we seek the following decision by council: Decline the plan modification

119.1

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Shane Morgan

Organisation name: Watercare Services Limited

Agent's full name:

Email address: [lindsay.wilson@water.co.nz](mailto:lindsay.wilson@water.co.nz)

Contact phone number: 022 011 6507

Postal address:  
Private Bag 92521  
Wellesly Street  
Auckland 1141

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:  
Refer submission

Property address: Regional Landfill Wayby Valley.

Map or maps:

Other provisions:  
Refer submission

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
Refer submission

I or we seek the following decision by council: Amend the plan modification if it is not declined

Details of amendments: Refer to submission

Submission date: 26 May 2020

Supporting documents  
Watercare Services Submission - PC42 Auckland Regional Landfill.pdf

## **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



## **SUBMISSION ON NOTIFIED PROPOSAL FOR PRIVATE PLAN CHANGE 42: AUCKLAND REGIONAL LANDFILL, WAYBY VALLEY**

**TO: Auckland Council**  
Resource Consents  
Private Bag 92300  
Auckland 1142

**NAME OF SUBMITTER:** Watercare Services Limited

### **INTRODUCTION**

1. This is a submission from Watercare Services Limited (**Watercare** or the **Submitter**) on Proposed Plan Change 42 (**PPC42**) to the Auckland Unitary Plan (Operative in Part) (the **Unitary Plan**). PPC42 is a private plan change request from Waste Management NZ Ltd (**WMNZ**) to create a new precinct to be called the 'Auckland Regional Landfill' precinct. The precinct proposes to:
  - (a) Identify the Auckland Regional Landfill at Wayby Valley in the Unitary Plan (within a 'Sub-precinct A');
  - (b) Recognise landfills as infrastructure in the Unitary Plan through a bespoke set of objectives, policies and rules; and
  - (c) Enable the efficient operation of a future landfill within Sub-precinct A throughout its operating life, by targeting future re-consenting requirements to the nature of the discharge and measures to avoid, remedy or mitigate effects, and by signalling future uses to the community to avoid potential reverse sensitivity effects.
2. Watercare could not gain an advantage in trade competition through this submission.
3. Watercare is interested in all aspects of PPC42 as they relate to potential adverse effects on the water quality and quantity of the Waitemata regional groundwater aquifer (**the Regional Aquifer**). Watercare's key concern is to ensure that its northern water supply sources are protected, and its ability to provide a reliable, safe and efficient municipal water supply to Warkworth, Wellsford and other northern towns now and in the future is not compromised.
4. Watercare neither supports nor opposes PPC42, but seeks that any decision on PPC42 ensures that the provisions of the proposed Auckland Regional Landfill precinct avoid where practicable, and otherwise minimise potential adverse effects on the Regional Aquifer, including by granting the relief sought in this submission.

5. As an initial observation, Watercare does not consider that it has been meaningfully consulted on PPC42 prior to, or following, its lodgement. As a major stakeholder in the area of the proposed precinct, Watercare considers prior consultation would have been helpful to resolve some of the issues raised in this submission.
6. Watercare has filed a separate submission, concurrent to this submission, on WMNZ's application for resource consent **BUN60339589**.

## STATUTORY CONSIDERATIONS

7. The relief sought in this submission aims to ensure that the Council's decision on PPC42 is made in accordance with the Resource Management Act 1991 (**RMA**), in particular the purpose of and principles in Part 2, and:
  - (a) Is consistent with Part 2A of the Health Act 1956, Drinking Water (Health Act). In particular, section 69U which requires every drinking-water supplier to take reasonable steps to contribute to the protection from contamination of each source of raw water from which it takes raw water;
  - (b) Gives effect to the National Policy Statement for Freshwater Management 2014 (updated in 2017) in particular parts A and B and the National Value in Appendix 1 that water quality and quantity enable domestic water supply to be safe for drinking with, or in some areas without, treatment;
  - (c) Gives effect to the relevant provisions of Chapter B of the Auckland Unitary Plan (Regional Policy Statement) (**RPS**) in particular B3 Infrastructure, transport and energy, B7 Natural Resources and B10 Environmental risk; and
  - (d) Is not inconsistent with the relevant provisions of Chapter E of the Auckland Unitary Plan (Auckland-wide) including E1 Water quality and integrated management, E2 Water quantity, allocation and use, E4 Other discharges and contaminants, E7 taking, using, damming and diversion of water and drilling and E13 Cleanfills managed fills and landfills.
8. The RPS requires that discharges of contaminants into water from subdivision, use and development avoid where practicable, and otherwise minimise, adverse effects on the water quality of catchments and aquifers that provide water for domestic and municipal supply.<sup>1</sup> Policy B7(11) promotes the efficient allocation of freshwater and geothermal water by providing for the reasonable requirements of domestic and municipal water supplies.

---

<sup>1</sup> Chapter B7(7)(e) of the Auckland Unitary Plan (Operative in Part).



9. To give effect to the RPS, the provisions of the proposed Auckland Regional Landfill precinct provide scope for the Council to decline resource consent for a landfill activity where it does not avoid or minimise adverse effects on water quality of the Regional Aquifer, or adversely affects the recharge of the Regional Aquifer so that it interferes with Watercare's use of the aquifer to provide reasonable municipal water supply.
10. The Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (the **NES**) require the Council to ensure that the effects of activities on drinking water sources are considered in decisions on resource consents. Regional councils are required to:<sup>2</sup>
  - (a) decline discharge or water permits that are likely to result in community drinking water becoming unsafe for human consumption following existing treatment; and
  - (b) place conditions on relevant resource consents that require notification of drinking water suppliers if significant unintended events occur (e.g. spills) that may adversely affect sources of human drinking water.
11. To meet its responsibilities under the NES therefore, the Council needs to ensure that the provisions of the proposed Auckland Regional Landfill precinct provide sufficient scope for it to evaluate potential adverse effects of a new landfill activity on the Regional Aquifer, and to decline consent or impose appropriate conditions as necessary.

## **BACKGROUND: WATERCARE'S PURPOSE AND MISSION**

12. Watercare is a council-controlled organisation under the Local Government Act 2002, and is wholly owned by Auckland Council (**Council**). Watercare's mission is to provide reliable, safe and efficient water and wastewater services.
13. Watercare provides integrated water and wastewater services to approximately 1.6 million people in Auckland, making it New Zealand's largest provider of water and wastewater services. Watercare collects, treats and distributes drinking water from 11 dams, 26 bores and springs, and four river sources. A total of 437 million litres of water is treated each day at 15 water treatment plants and distributed via 89 reservoirs and 90 pump stations to 450,000 households, hospitals, schools and commercial and industrial properties. Watercare's water distribution network includes more than 9,000 km of pipes. The wastewater network collects, treats and disposes of wastewater at 18 treatment plants and includes 7,900 km of sewers.
14. Watercare is required to manage its operations efficiently, with a view to keeping overall costs of water supply and wastewater services to its customers (collectively) at minimum levels, consistent with effective conduct of the undertakings and maintenance of long-term integrity of the assets.
15. Watercare must also give effect to relevant aspects of the Council's Long-Term Plan, and act consistently with other plans and strategies of the Council,

---

<sup>2</sup> Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.

including the Auckland Unitary Plan and the Auckland Future Urban Land Supply Strategy.<sup>3</sup>

16. As part of its growth strategy for Auckland, the Council has identified Warkworth as a Satellite Town, earmarked to support significant future business and residential development. Around 1,000 hectares of land immediately surrounding Warkworth has been zoned Future Urban in the Auckland Unitary Plan. Watercare is working to ensure that it can continue to service Warkworth with potable water throughout its rapid growth and this is reflected in its Asset Management Plan 2016 to 2036.
17. Watercare currently draws on the Regional Aquifer to service Warkworth's municipal water needs. Wellsford's municipal water is currently drawn from the Hōteu River, however this is not a suitable long-term option given Wellsford's projected population growth. Watercare has investigated alternative options that will allow it to continue to supply Wellsford and has decided to develop a new bore to extract water from the Regional Aquifer. Investigation of bore locations is currently underway. The security and safety of the Groundwater Aquifer is therefore of high importance to Watercare, for both short and long term water supply to Auckland's northern towns.
18. To meet its legislative requirements under the Health Act and to demonstrate a high level of commitment to drinking-water quality, Watercare is required to have approved and implemented a Water Safety Plan (WSP) Watercare adheres to the six principles of drinking-water safety, which are embedded into all systems, processes and behaviours. These principles are:
  - (a) Embrace a high standard of care;
  - (b) Protection of source water is of paramount importance;
  - (c) Maintain multiple barriers against contamination;
  - (d) Change precedes contamination;
  - (e) Suppliers must own the safety of drinking-water; and
  - (f) Apply a preventive risk management approach.

## **SUBMISSION**

19. Watercare recognises the importance of municipal landfills as a vital piece of regional infrastructure and an important component of the overall waste management system for Auckland. Watercare acknowledges that the functioning and growth of Auckland requires infrastructure to accommodate Auckland's waste.
20. This notwithstanding, Watercare makes this submission in order to ensure that PPC42 does not result in adverse effects on the quality or quantity of the Regional Aquifer, and on Watercare's ability to provide drinking water to the communities of Warkworth, Wellsford and other northern towns now and in the future.

---

<sup>3</sup> Local Government (Auckland Council) Act 2009, s58.

21. As it is currently drafted, Watercare considers that the proposed precinct provisions provide insufficient recognition and protection of the Regional Aquifer, both in terms of potential contamination and risk to the recharge of the aquifer. These shortcomings give rise to concern that the municipal water supply for Warkworth, Wellsford and other northern towns is not adequately protected as required under the NES and the RPS.

**Relief**

22. Watercare seeks amendments to the proposed precinct provisions to:

- |     |  |       |
|-----|--|-------|
| (a) | Appropriately recognise the importance of the Regional Aquifer for the municipal water supply for Wellsford, Warkworth and other northern towns now and in the future;   | 120.1 |
| (b) | Recognise and protect against the potential cumulative adverse effects of multiple filling pits on the recharge of the Regional Aquifer;   | 120.2 |
| (c) | Recognise and protect against the risk of contamination of the Regional Aquifer arising from the additional bores required for future landfills; and   | 120.3 |
| (d) | Require Watercare to be notified immediately of any contamination breach to the Regional Aquifer arising from activities within the precinct, and timely reporting on the mitigation or minimisation of the effects arising from the breach as per the approved contingency plans. | 120.4 |

23. Without limiting the generality of the above, Watercare proposes several amendments to the precinct provisions in the following paragraphs (with additions shown in underline, and deletions ~~struck through~~).

*Precinct description*

24. Watercare requests that the precinct description be amended to give appropriate recognition to, and protection of, the Regional Aquifer for the safe, reliable and efficient supply of municipal water to Auckland's northern towns. Watercare suggests that the following paragraph should be added to the precinct description:

...

<p><u>The precinct anticipates that future landfill activities may utilise the Waitemata Regional Aquifer for water supply. Watercare uses (or has plans to use) the Waitemata Regional Aquifer to provide municipal water supply to the rapidly growing towns Warkworth, Wellsford and other northern towns. The precinct provisions protect this aquifer from potential contamination or adverse water quantity effects that may compromise this municipal water supply, and through that the health and wellbeing of the residents of these towns. The objectives and policies of this precinct require an assessment of potential adverse effects on this aquifer and for future landfill activities to avoid adverse effects on the aquifer.</u></p>	120.5
---	-------

*Objectives*

25. Watercare seeks a new objective in the precinct provisions to recognise the significance of, and protect, the Regional Aquifer. Watercare suggests the following wording:

Adverse water quality and quantity effects on the Waitemata Regional aquifer from activities within the precinct are avoided.

120.6

*Policies*

26. Watercare seeks the following amendments to the precinct policies:

1. Enable the development and continued operation of the Auckland Regional Landfill, and the associated renewable energy generation where it does not result in unacceptable adverse effects

120.7

...

3. Discharges of contaminants into water, land and air from the Auckland Regional Landfill's construction and operations shall avoid where practicable, and otherwise minimise:

...

~~d. adverse effects on the water quality of catchments and aquifers that provide water for domestic and municipal supply; and~~

120.8

...

X. Activities within the precinct shall avoid any adverse effects on the water quality and quantity of the Waitemata Regional aquifer that provides water for domestic and municipal supply.

6. Where effects cannot be avoided, remedied or mitigated, provide for offsetting or compensation, thereby enabling the Auckland Regional Landfill as infrastructure, while recognising that:

a. not all significant residual adverse effects will be able to be fully offset or compensated, however a ratio of at least 1:1 is expected;

b. any offset or compensation package may be staged over the long term and sites should be identified in the following order of preference – within the precinct, within the Hōteu River catchment, within the Kaipara Harbour catchment, and within the Auckland Region;

120.9

c. offsetting and compensation is not appropriate in relation to adverse effects on the water quality and quantity of catchments and aquifers that provide water for domestic and municipal supply.

...

*Activity Status*

- |     |  |                  |
|-----|--|------------------|
| 27. | Watercare agrees that a Discretionary activity status is appropriate for new landfills in Sub-precinct A (Table I617.4.1(A1)) and that a Non-complying activity status is appropriate for new landfills outside Sub-precinct A (A4).   | 120.10<br>120.11 |
| 28. | Watercare agrees that a Non-complying activity status is appropriate for any landfill activity that does not comply with the restricted discretionary or discretionary activity standards (A15). However, proposed activity (A3) suggests that discharges to land and water from landfills in Sub-precinct A are a Discretionary activity, when the land use consent is Non-complying (including when the precinct standards are not met). Watercare considers that discharge consents should be bundled with land use consents, so that Non-complying activity status also applies to discharge consents where the associated land use is a Non-complying activity. | 120.12<br>120.13 |
| 29. | Watercare observes that 'landfill activity' is not defined in Chapter J of the Auckland Unitary Plan or in the proposed precinct provisions. Watercare seeks clarification as to what activities this provision is intended to cover, and assurance that it does not cover water take activities.  | 120.14           |
| 30. | Watercare seeks clarification that the provisions of Chapter E2 of the AUP, which address water quantity, allocation and use, continue to apply to the precinct. If this is not the case, Watercare would seek additional policies and activity standards to ensure that activities within the precinct do not result in adverse effects on the quantity of the Regional Aquifer.  | 120.15           |

*Notification*

- |     |  |        |
|-----|--|--------|
| 31. | Watercare agrees that the precinct provisions should require certain new activities to be publicly notified, but considers that discharges to land and water from new and existing landfills in Sub-precinct A should also be subject to public notification. Watercare seeks amendment of proposed notification rules as follows: | 120.16 |
|     | I617.5 Notification  |        |
|     | ...  |        |
|     | 2. Any application under Rule I617.4.1 (A1), (A2), <u>(A3)</u> , (A4), (A5), <u>(A7)</u> or (A15) will be publicly notified.   |        |
|     | ...  |        |

*Restricted Discretionary and Discretionary Activity Standards*

- |     |  |        |
|-----|--|--------|
| 32. | Watercare is highly concerned that the restricted discretionary and discretionary activity standards in the proposed precinct provisions (at I617.6(1) and (2)) are insufficient to protect the Regional Aquifer, and therefore will not provide scope for Watercare to meet its obligations under the Health Act, and the Council to meet its obligations under the NES. Watercare seeks that the standards be amended to achieve this outcome, including (but not limited to) by addressing the following: | 120.17 |
|     | (a) Monitoring requirements, including detail on frequency, parameters, trigger levels, and contingency planning with consideration of the New Zealand Drinking Water Standards and the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG);   |        |

- (b) Management plan requirements for future landfill consents, including provision for consultation with and notification to Watercare. 120.17

*Matters of discretion for restricted discretionary activities*

- 33. Watercare seeks the following amendments to the matters of discretion (I617.8.1): 120.18

- 2. For other discharges from all restricted discretionary activities (A7):

- X. The ability to avoid adverse effects on the water quality and quantity of the Regional Aquifer supplying municipal water

...

**Discharges to land and water from legally established landfills**

The Council will consider the relevant assessment criteria below for restricted discretionary activities:

- 1. Potential adverse effects (including cumulative effects) are appropriately ~~minimised or mitigated~~ avoided, taking into consideration the following: 120.19

**DECISION SOUGHT**

- 34. Should the Council be minded to approve PPC42, Watercare seeks that the relief outlined in this submission be granted, and any alternative or additional relief to protect the quality and quantity of the Regional Aquifer.
- 35. Watercare wishes to be heard in support of its submission.

25 May 2020



Shane Morgan  
**Chief Operations Officer**  
**Watercare Services Limited**

Address for service:  
 Lindsay Wilson  
 Policy Planner  
 Watercare Services Limited  
 Private Bag 92 521  
 Wellesley Street  
 AUCKLAND 1141  
 Phone: 022 011 6507  
 Email: Lindsay.Wilson@water.co.nz

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Nicholas Dunning

Organisation name:

Agent's full name: Nicholas Dunning

Email address: [nicholasjdunning@gmail.com](mailto:nicholasjdunning@gmail.com)

Contact phone number:

Postal address:

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:

Property address: 1232 State Highway 1

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we support the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I believe that waste management strongly conflicts with Auckland Council's waste management plan, along with existing resource management regarding green belts around greater Auckland. I do not believe that waste can be effectively controlled in this area without significant impact on local wildlife, freshwater sources and the Kaipara harbour.

The proposal to create landfill within valleys of Dome Valley is an archaic solution to waste management and shows little fore thought into the lasting impacts of our waste systems. Burying waste is not the way. We deserve more thought and care into systems that will impact us for generations to come.

Dome Valley also deserves to be recognized for its natural values as well and that it should be saved for future conservation efforts, not filled with rubbish and pollutants.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Kevin and Dawn Bayliss

Organisation name:

Agent's full name: Dawn Bayliss

Email address: [k.bayliss@xtra.co.nz](mailto:k.bayliss@xtra.co.nz)

Contact phone number:

Postal address:

[k.bayliss@xtra.co.nz](mailto:k.bayliss@xtra.co.nz)

Helensville

auckland 0874

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:

Property address: 1232 state highway 1wayby

Map or maps: all

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

there is high probability there will be leaching from landfill into hoteo river and from there into kaipara harbour.this will be damaging to fish and plant life. landfill to dispose of waste is yesterdays technology and Auckland city needs to invest in modern methods of rubbish disposal.

I or we seek the following decision by council: Decline the plan modification

122.1

Submission date: 26 May 2020

### Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Anne Smith

Organisation name:

Agent's full name:

Email address: [anneofsandspit@gmail.com](mailto:anneofsandspit@gmail.com)

Contact phone number:

Postal address:  
1082  
Sandspit Road  
RD2  
Warkworth 0982

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:

Property address: 1232 State Highway 1, Wayby Valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The Auckland Council's own Waste Management and Minimisation Plan does not include the creation of new landfill sites. This rural land should not be rezoned to allow such an operation to take place on it. My concern is that rural land in this area is being taken over by Auckland Council and rezoned as they wish, without local permission. Future developments are being pushed onto the rural population whether they agree to it or not.

I am also concerned that the Auckland Council's own desired goal of Zero Waste going to landfill by 2030 is now history .

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

## **Attend a hearing**

Do you wish to be heard in support of your submission? No

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Roger Lewis Williams

Organisation name: Forest and Bird Warkworth Area

Agent's full name:

Email address: [ropeworth@gmail.com](mailto:ropeworth@gmail.com)

Contact phone number: 094259127

Postal address:  
65 Alnwick St  
Warkworth 0910  
Auckland 0910

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:  
Waste by Rail, Weeds, Fire Risk, Monitoring Conditions

Property address: 1232 State Highway 1, Wayby Valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:  
Environmental Considerations see attached file

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

Supporting documents  
Final Wayby Landfill submission 24-5-20.pdf

### Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



## **Submission on The Auckland Regional Landfill, 1232 State Highway 1, Wayby Valley, Resource Consent and Private Plan Change 42 application**

26 May 2020

To: Auckland Council  
Private Bag 92300  
Auckland 1142

From: Forest and Bird Warkworth Area  
PO Box 552  
Warkworth 0941

Submission by  
Roger Williams  
Email [ropeworth@gmail.com](mailto:ropeworth@gmail.com) Telephone: 09 4259127

### **Introduction**

The Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird) is New Zealand's largest independent nature conservation organisation, with many members and supporters. Our mission is to be a voice for nature on land, in fresh water and at sea.

Forest & Bird has for many years had a strong interest and involvement in the greater Auckland area. This includes instigating and working with others to implement the North-West Wildlink, a wildlife linkage connecting the Hauraki Gulf Islands with the Waitakere Ranges.

This work has involved advocating for greater protection of indigenous biodiversity on land, in freshwater and in the coastal environment, and in protecting and enhancing the healthy functioning and integrity of indigenous ecosystems across the region.

Forest & Bird could not gain an advantage in trade competition through this submission.

Forest & Bird Warkworth Area wishes to be heard in support of this submission, and we would consider presenting this submission jointly with others making a similar submission at a hearing.

Forest & Bird Warkworth Area welcomes the opportunity to submit on the consent application.

## 1. Submission

1.1. This submission is complementary to the detailed submission by our Auckland Regional Office and seeks to amplify Local Issues and Climate Change Issues.

1.2. Forest & Bird Warkworth Area specific issues are:-

- a) The carbon footprint of the transportation of the waste to the site by road is huge. The transport by road also has significant impacts on other road users in congestion and safety. The Rail option is only very briefly covered (see Appendix). We consider it is essential that the majority of the waste is transferred to the site by rail
- b) The reports do not satisfy us that weeds are adequately addressed. The cap of the landfill, both temporary and final is topsoil and grass. There is a huge potential for weeds such as pampas to develop. Pampas seeds are blown for many tens of kilometres.
- c) The fire risk of the grass cap is not addressed. Gas is vented and flared off from the landfill. Lithium ion batteries are also a well known source of ignition as evidenced in recent recycling plant fires at Kopu and elsewhere. The location of the proposed landfill is in the centre of extensive forests and any fire would be very hard to control and extinguish.
- d) Monitoring of Conditions. We consider that monitoring of the proposed conditions lack transparency. The monitoring of the conditions are heavily weighted in the applicants favour.
  - d.1. The selection of a Peer Review Panel member(s) appears to be nominated by the applicant.
  - d.2. The records of the data should be more widely available to interested parties eg EPA, NIWA etc, not just to Auckland Council.
  - d.3. Clauses such as 117, 130, 156, 160 and 181c lack independency. We consider that all conditions should be checked and rewritten as necessary to ensure that, not only is the right monitoring is carried out, but that it is seen to be carried out.
- e) Transportation of waste to the site by road leads to a massive increase in Carbon Emissions. The alternative of Waste by Rail is dismissed without any due consideration. The Fundamental Flaw in the whole Landfill proposal is the lengthy road transport to the site.
  - e.1. The scale of the problem and the consequences on the environment are huge and this has been seriously underplayed. To emphasis this point the Marginal Increase in effects for locating the landfill at Wayby must be compared with the existing Redvale site. The Wayby site is 51km north of



the current site of the landfill at Redvale with a predicted 580 truck movements per day at the site.

- e.2. The proposals see an increase of 44% in the heavy vehicle traffic in the Dome Valley section of SH1 which already has serious safety implications. Refer the current NZTA safety improvements. Safety savings from these improvements is likely to be totally overwhelmed by the increase in heavy traffic.
- e.3. The alternative of the proposed Warkworth to Wellsford motorway and using the Wayby offramp is unlikely to be available for 15 to 30 years because of anticipated delays through the designation process and resource consents, government roading policy, funding delays and construction delays.
- e.4. The basic operating costs of the truck operations for the marginal difference (based on NZTA truck operating rates) is of the order of \$44m per annum. This itself justifies a much more detailed investigation of alternatives.
- e.5. The use of road transport to get to the landfill site generates of the order of an additional 20,000 tons of carbon emissions per year to the atmosphere. This increase in the carbon footprint is in defiance of the intent of -
  - Climate Change Response Act 2002 and the
  - Sustainability requirements within the Resource Management Act and the
  - Auckland Council Low Carbon Strategic Action Plan.
- f) The reported discussions with KiwiRail, refer AEE Appendix 12.7, are not a serious discussion of the rail freight alternative. A meaningful discussion must now be held.
- g) **The solution** to the above is to divert as much as possible of the waste transport to rail where, over the same marginal distance, emissions would be only 725 tonnes per annum c/f 20,000 tonnes per annum. The main trunk line north is only 2 km from the site. This solution is to require Waste Management NZ, the Auckland Council, KiwiRail and the Government to come together and work constructively to agree how Waste by Rail can be achieved and what % of the waste can be carried.

### Relief sought

- 1.3. Forest & Bird Warkworth Area seeks that the application be declined.
- 1.4. However, should the Council decide to grant this consent, we seek that the Carbon Emissions be significantly reduced by carrying of as much of the waste as possible by Rail.

124.2

1.5. The conditions of consent are amended so that Forest & Bird's concerns over transparency are resolved.

124.3

Thank you for the opportunity to make this submission.

Roger Williams

Committee Member, Forest and Bird Warkworth Area.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Lorraine Brien

Organisation name:

Agent's full name:

Email address: [briencrew@gmail.com](mailto:briencrew@gmail.com)

Contact phone number:

Postal address:  
307 School Road  
RD4  
Wellsford  
Auckland 0974

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:  
Landfill Precinct

Property address: Proposed Wayby Valley Dump site - 1232 State Highway 1, Wayby Valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The proposal conflicts with the purpose and principles of the Resource Management Act 1991, the Auckland Unitary Plan, National Policy Statements on Freshwater Management; Waste Minimisation Act 2008 and the Auckland Council Waste Management and Minimisation Plan.

I object to one off bespoke objectives, policies and rules being applied to this site.

To change the rules to suit Waste Management and Council is completely negligent to the safeguards of existing rules, policies and regulations.

Take the RMA 1991 alone, Sections 5, 6, 7, 8, 9, 12, 13, 15, 16 and 17. A proposed dump site cannot guarantee to meet these purposes and principles that underpin this Act, put in place to safeguard our

natural environment from overuse and unsustainable practices. Nor can Waste Management prove that their proposed rubbish dump will abide by the duties and restrictions outlined in this Act.

I or we seek the following decision by council: Decline the plan modification

125.1

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Marie Esther Alpe

Organisation name:

Agent's full name:

Email address: [mariealpe60@gmail.com](mailto:mariealpe60@gmail.com)

Contact phone number:

Postal address:  
21 Ocean View Rd  
R D 4  
Wellsford 0974

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:  
Proposed Plan Change 42 in its entirety

Property address: Not applicable

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I do not support the identification of a landfill precinct in Wayby Valley because it is not a suitable location for a landfill being in the catchment to the Hotoe River and Kaipara Harbour and poses risks to the very significant natural, conservation and fisheries management values of the harbour. Proposed assessment criteria and controls will not be adequate in the case of a low probability but high impact event to avoid, mitigate or minimise adverse downstream effects. It is contrary to Regional Policy Statement objectives and policies protecting natural values and freshwater values. It is contrary to the National Freshwater Policy Statement. It is contrary to sections 6 and 7 of the Resource Management Act 1991 and would not result in sustainable management of the area. Under s8 of the RMA Council is required to have recognise and provide for the Treaty of Waitangi - the proposed plan change for a landfill precinct in this location is contrary to that section as it does not adequately recognise and support Iwi kaitiakitanga for the Kaiparak Harbour and its catchment. While I understand that the the proposed plan change would give a managed approach to landfill activity

and includes assessment criteria etc I fundamentally oppose it as facilitating extension of landfill activity in a location which is unsuitable. A statement I have prepared in relation to the landfill resource consent application is attached for information.

I or we seek the following decision by council: Decline the plan modification

126.1

Submission date: 26 May 2020

Supporting documents  
Submission by M Alpe A new regional landfill Wayby Valley.pdf

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

**Submission by Marie Alpe to the application by Waste Management NZ Limited (WMNZ) to construct and operate a new regional landfill at 1232 State Highway 1 Wayby Valley**

I oppose the application in its entirety for the following reasons:

1. I am concerned about the siting of this large scale landfill proposal in the Wayby Valley area as the landfill poses multiple high impact risks to the environment, particularly the Hoteo River and Kaipara Harbour, and to the community.
2. I have been associated with Tomarata my whole life (I am aged 71 years), growing up there and living there permanently since 2003. Accordingly I am very familiar with the Wayby Valley area, its significance as part of the catchment to the Hoteo River and Kaipara Harbour, its propensity for flooding, torrential rain, landslips as well as having seen first hand road traffic on Wayby Valley Rd and on SH 1 increase exponentially over the last 20 years.
3. This submission is being made because of the risks to surrounding environments, people and businesses by this proposed landfill and a lack of certainty that adverse effects from the landfill activity such as leachate and sedimentation as well as from fundamental change to the ecology of the area, eg permanent loss of streams can be avoided, minimised or mitigated. And further that proposed off setting measure will adequately recompense impacts on the environment and the community.
4. Due to nearby extensive waterways, native and threatened species and ecosystems in the landfill area, priority needs to be given to the protection of these natural values as required by sections 6 and 7 of the Resource Management Act 1991 (RMA). Pursuant to s7 of the RMA Council is required to maintain and enhance amenity values, the quality of the environment and intrinsic values of ecosystems. From my experience of 16 years working for the Department of Conservation and many years advocating in planning processes for the protection of the special natural character, landscape and conservation values of the Te Arai/Tomarata area I submit that Council must take a highly precautionary approach. If proposed mitigation, avoidance and offsetting measures cannot be determined as being infallible and there remains an element of risk from the landfill then the application is not sustainable, in an unsuitable location and should be declined.
5. The location of the proposed landfill in the catchment of the Kaipara Harbour poses a very real risk to the harbour if containment and protective measures proposed for the landfill were to fail and the harbour be contaminated by sediment and leachate. The land includes waterways - tributaries to the Hoteo River which lead into the Kaipara Harbour which is the beginning of the marine food chain, and a significant breeding ground for snapper, oyster and other species. The Kaipara Harbour is documented as the single most significant wetland for NZ West Coast fisheries. The mouth of the Hoteo River contains a very significant seagrass habitat for juvenile fish. Recognising the importance of the Kaipara Harbour for fisheries management, as a source of food and of significance to Maori must be paramount in a consideration of this application and adverse effects avoided by declining the application as there cannot be surety that a

high impact event that would impact the harbour may not occur. The RMA requires adverse effects of low probability but high potential impact to be considered and this is crucial here. The Rotorua landfill court case and allegations of leaked discharges due to major weather events and the recent Fox Glacier landfill disaster are examples of landfill failures. The Kaipara Harbour is also habitat for endangered species such as Maui dolphin and the NZ fairy tern and potential adverse effects on the habitat of these species must be avoided.

6. The geology of the area makes it an unsuitable location for a major landfill and increases the risks as does the propensity of the area for heavy rainfall events. The proposed site consists of fractured upthrust sandstone and mudstone layers, topped with reactive clay. The cracking and swelling clay causes gradual ground movement or sudden slips. Those of us who live in the area are well aware of the propensity for slips and other disturbances.
7. I understand that the Hotoe River and the underlying aquifer have potential if not already use for water supply for the community in particular Wellsford. Adverse effects on the aquifer must be avoided.
8. I am also particularly concerned at the overall ecological and hydrological impact of major changes to the stream environment of the area not just because it is the catchment of the Hotoe River. The application acknowledges (9.11.3.3) that there will be permanent loss of stream habitat as well as actual loss of instream wildlife if this cannot be relocated. It is not just the loss of the intrinsic values of something like 9.5 kms of streams but the potential impact that changes to the overall environment and stream hydrology could have downstream generally and on the Hotoe River specifically. The question is whether proposed mitigation and offsetting measures are adequate and is in fact the application sustainable.
9. Under S8 of the RMA consent authorities are required to have regard to the Treaty of Waitangi. I understand that there has been extensive consultation but I am also aware that Iwi runanga groups continue to have concerns. I support Iwi concerns at the potential impact on the Kaipara Harbour. I agree that this proposed landfill is a serious affront to the preservation of the mauri within fresh waterways as well as the physical and spiritual health of iwi, hapu, whanau members and the wider community. It is being proposed in an unsuitable location.
10. The proposal conflicts with Unitary Plan objectives and policies for protection of biodiversity, habitats and natural values of the Wayby Value, Hotoe and Kaipara Harbour areas. Higher level policies in the Regional Policy Statement objectives and policies in the Auckland Unitary Plan seek to avoid impact of adverse effects on freshwater systems (B7.3) and seek the protection of natural resources and indigenous biodiversity. There is no guarantee that this can be achieved by proposed measures in the application and accordingly it should be declined.
11. I am also concerned about the impact on the community's ability to enjoy the environment with a significant increase in heavy traffic. I know only too well that the Wellsford and greater area already experiences large volumes of trucks such as quarry, logging and cattle trucks, and milk tankers every day causing major damage and congestion, impacting on the travelling experience of local users. We have to use these roads to carry out our lives and businesses. The addition of 300-500 rubbish trucks a



day in the Dome Valley will amplify what is already dangerous and stressful travel experience for the local community.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Joanne Mary O'Sullivan

Organisation name:

Agent's full name: Joanne M OSullivan

Email address: [joannemahu@gmail.com](mailto:joannemahu@gmail.com)

Contact phone number: 0226389536

Postal address:  
12 Millstream Place  
Warkworth  
Warkworth 0910

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:  
Resource Management Act 1991

No person may discharge a contaminant into water, land or air

Property address: 1232 State Highway 1, Dome Valley. Wellsford

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

The proposed plan change contravenes the resource management Act1991 Shows complete disregard to Mana Whenua. The immediate area is important to Maori, our whakapapa is woven into the whenua, and the waters that flow from the several tributaries and puna to the Hoteo and Kaipara Moana. Our traditional food basket of Ngāti Whātua, currently faces its greatest environmental challenge to date with the prospect of millions of tonnes of Auckland's waste that will end up polluting our waterways. We are asking why is it that antiquated methods are being proposed which are destructive for the environment, when there are proven, environmentally sound alternatives? Waste Management NZ, who are the applicants, can give no guarantees that toxic leachate and other pollutants will not find their way into the Kaipara Moana," says Dame Naida Glavish.

Health is at risk for those who live within five kilometers of a landfill site  
<https://www.sciencedaily.com/releases/2016/05/160524211817.htm>

I or we seek the following decision by council: Decline the plan modification

127.1

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

# Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

## Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name)

DERORAH SARNEY

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

72 SPINDLER ROAD, WELLSFORD 0972

Telephone:

021 026 65280

Fax/Email:

DEBBIESARNEY@GMAIL.COM

Contact Person: (Name and designation, if applicable)

## Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 42

Plan Change/Variation Name

Auckland Regional Landfill Wayby Valley

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Landfill Precinct

Or

Property Address

1232 State Highway 1, Wayby Valley

Or

Map

Or

Other (specify)

## Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are: **The proposal is conflicts with sound resource management principles; the purpose and principles of the Resource Management Act 1991, the Auckland Unitary Plan, National Policy Statements on Freshwater Management; Waste Minimisation Act 2008 and the Auckland Council Waste Management and Minimisation Plan. I object to one off bespoke objectives, policies and rules being applied to this site. See attached information.** (continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

128.1

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

*D SAUNDERS*

*26/5/20.*

Signature of Submitter  
(or person authorised to sign on behalf of submitter)

Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  / could not  gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission please complete the following:

I am  / am not  directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

The reasons for my submission are:

I am a resident who lives within 1.5Km of the proposed Landfill site. I feel I will be adversely affected by any construction or operation of a landfill in the immediate radius of my residence. This includes activities being undertaken in the construction stage, commencement of operation and possible environmental problems arising after the landfill is closed.

Concerns are as follows in no particular order:

Pollution – this includes light, noise (both decibel level and frequency), smell, air quality (dust), water run-off, leachates, gas emitted. This is of great concern specially as we are on tank water fed directly from our roof where any contaminants can land.

Removal of habitat for native species of birds, animals, reptiles, frogs and flora/fauna

Increased risk of flooding and sediment caused by removal of trees and excavation of the land.

Risk of contamination of the Hoteo Stream.

Sighting a land fill on top of waterways and natural springs.

Considerable devaluation of our residence.

Unacceptable increase in traffic on SH1 from Warkworth, through the Dome Valley.

Proposed construction of a round about on SH1 In the Dome Valley.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Tracy Belinda Wood

Organisation name: Trustee, T B Ross-Wood Family Trust

Agent's full name:

Email address: [tracy@pelage.co.nz](mailto:tracy@pelage.co.nz)

Contact phone number: 021462658

Postal address:  
84 Spindler Road  
Wellsford  
Auckland 0972

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:

15. Discharge of contaminants into environment

(1) No person may discharge any—

(a) contaminant or water into water; or

(b) contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I oppose the plan in full for a number of reasons.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

## **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



# Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

## Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

Elizabeth Joan Dowling

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

8 Wellsford Valley Road  
Wellsford 0900

Telephone:

021 211 7266

Fax/Email:

edowling@gmail.com

Contact Person: (Name and designation, if applicable)

## Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 42

Plan Change/Variation Name

Auckland Regional Landfill Wayby Valley

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

By way of a Private Plan Change to create a new precinct to support the development of a new regional landfill.

Or

Property Address

[Empty box]

Or

Map

[Empty box]

Or

Other (specify)

## Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes


No

The reasons for my views are: The proposal conflicts with sound resource management principles: the purpose and principles of the Resource Management Act 1991; the Auckland Unitary Plan; National Policy Statements on Freshwater Management; Waste Minimisation Act 2008; Auckland Council Waste Management & Minimisation Plan. (continue on a separate sheet if necessary)  
- see separate sheet

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation  130.1
- If the proposed plan change / variation is not declined, then amend it as outlined below.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

  
Signature of Submitter  
(or person authorised to sign on behalf of submitter)

25.5.20  
Date

**Notes to person making submission:**  
If you are making a submission to the Environmental Protection Authority, you should use Form 16B.  
Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.  
If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.  
I could  / could not  gain an advantage in trade competition through this submission.  
If you could gain an advantage in trade competition through this submission please complete the following:  
I am  / am not  directly affected by an effect of the subject matter of the submission that:  
(a) adversely affects the environment; and  
(b) does not relate to trade competition or the effects of trade competition.

Elizabeth Dowling.

Submission on a notified proposal for policy statement or plan change or variation

Plan Change Number PC 42

Auckland Regional Landfill Waybe Valley

**The Reasons for my Views are:**

1. I object to one off bespoke objectives, policies and rules being applied to this site.
2. The proposal conflicts with the Resource Management Act 1991 (RMA) as:
  - a) it does not promote sustainable management of natural and physical resources
  - b) It does not sustain the potential of natural and physical resources and the degree of damage inherent in the proposed use of this land is not capable of being avoided, remedied or mitigated.
3. The proposal conflicts with the Resource Management Act 1991 (RMA) as wetlands, rivers and coastlines are given **national importance** in section 6 of the RMA and are to be protected from inappropriate use.
  - a) The proposed new precinct contains wetland and rivers of good water quality and the water flows from this area into a vulnerable, shallow harbour.
  - b) The proposed new precinct contains significant indigenous vegetation and significant habitats of indigenous fauna and is adjacent to conservation area.
4. The Aukati Rahui placed on this land has not been acknowledged in this application.
  - a) The RMA gives **national importance** to the relationship of Maori and their culture and traditions with their ancestral lands, water etc.
5. The proposal conflicts with the Resource Management Act 1991 (RMA) as: Under the RMA there are ' *Restrictions on use of land, coast and rivers*
  - (1) *No person may use land in a manner that contravenes a national environmental standard.*
  - (2) *No person may use land in a manner that contravenes a regional rule.*
  - (3) *No person may use land in a manner that contravenes a district rule.*

6. The proposal conflicts with both National and Regional Government's efforts to remediate the sedimentation of the Kaipara Harbour, improve the water quality and preserve it's importance as a marine breeding ground.

a) A landfill that will inevitably add further sedimentation plus toxic leachate is not an appropriate use.

6. The Auckland Unitary Plan supports the principles of the RMA – see Chapter 1, Page 1, Para 5 - 9

7. The proposal conflicts with the National Policy Statement for Freshwater Management 2014 for example to:

a) *consider and recognise Te Mana o te Wai in freshwater management*

b) *safeguard fresh water's life-supporting capacity, ecosystem processes, and indigenous species*

c) *protect the significant values of wetlands and outstanding freshwater bodies (Both wetlands and the Hoteo River in this case)*

8. The proposal conflicts with the The Waste Minimisation Act 2008 and the Auckland Regions Waste Management and Minimisation Plan

a) Creating a landfill precinct in an out-of-sight valley, over a clean water aquifer creates the belief that it is ok to continue dumping rubbish as we have always done.

b) This precinct will harm the environment, will prevent a town short of water from accessing a future supply.

c) This precinct does not provide environmental, social, economic and cultural benefits – it does not help us address our own waste practices.

9. Creating a special precinct will ensure local and national government continue to ignore other technology for waste management.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Fiona Penetana

Organisation name:

Agent's full name:

Email address: [fionapenetana@hotmail.com](mailto:fionapenetana@hotmail.com)

Contact phone number:

Postal address:  
13 Downer street  
Helensville  
Auckland 0800

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:  
Dumping waste

Property address: Dome valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
Killer all the kai in the kaipara our waters a clean not polluted

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

### Attend a hearing

Do you wish to be heard in support of your submission? No

## Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

# Te Rūnanga Ngāti Whātua

**To:** **Auckland Council**  
By email to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**and to:** **Waste Management NZ Ltd**  
c/- Tonkin & Taylor  
Attention: Rachel Signal-Ross  
By email to [rsignal-ross@tonkintaylor.co.nz](mailto:rsignal-ross@tonkintaylor.co.nz)

- 1 Name of submitter:  
**Te Rūnanga o Ngāti Whātua**
- 2 **Private plan change 42 (PC42):**
  - 2.1 This is a submission on an application by Waste Management NZ Ltd for a private plan change to introduce a new precinct into the Auckland Unitary Plan – the Auckland Regional Landfill Precinct. This relates to the proposed construction and operation of a new regional landfill facility on approximately 1020 hectares of land at 1232 State Highway 1, Wayby Valley, between Warkworth and Wellsford (**the proposal or PC42, as context requires**).
  - 2.2 The full legal description for the property is identified in the Private Plan Change Request at Table 1.3.
  - 2.3 The alleged reasons for PC42 are identified by the Private Plan Change Request as follows:
    - To appropriately recognise landfills as infrastructure within the AUP, by identifying a site within Auckland that has been assessed as being suitable for a new landfill, and describing this site through the use of a precinct and managing future effects of activities within the precinct through bespoke objectives, policies and rules;
    - In anticipation of a landfill being established at the site, providing recognition of the site in the planning framework for the Auckland Region, consistent with the treatment of other large scale infrastructure in the region, and to manage potential future reverse sensitivity effects;
    - To enable efficient operation of a future landfill at the site throughout its operating life, by targeting future re-consenting requirements to the nature of the discharge and measures to avoid, remedy or mitigate effects.
- 3 Te Rūnanga o Ngāti Whātua is not a trade competitor for the purposes of the Resource Management Act 1991.

- 4 Te Rūnanga o Ngāti Whātua represents approximately 15,000 beneficiaries throughout Auckland and Northland. It represents individuals, whanau and hapu within the iwi of Ngāti Whātua, who descend from the tūpuna, Haumoewarangi and other recognised tūpuna. The Runanga has been in existence for 32 years, and operates through a Māori Trust Board, which accounts to the Ngāti Whātua people.

Te Rūnanga o Ngāti Whātua has a Treaty settlement, subject to the provisions of the associated Settlement Act 2013.

Te Rūnanga o Ngāti Whātua have manawhenua in relation to the area associated with the landfill proposal, and sites directly associated with the impact of the discharges. The authority has an obligation to contribute to the resource consent process, in its kaitiaki role, mandated by our kawa, charter and enabling legislation.

Te Rūnanga is the sole representative body authorised to address issues affecting Ngāti Whātua.

- 5 Te Rūnanga o Ngāti Whātua is directly affected by an effect of the subject matter of the submission that:
- (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.
- 6 The specific parts of the application that my submission relates to are - the application in its entirety.
- 7 Te Rūnanga o Ngāti Whātua's submission is to **fully oppose** the entire application. General and specific reasons are set out below.

#### **Reasons for this submission are:**

- 7.1 The Applicant and its agents, and the consenting authority for the Dome Valley Landfill project, have failed in their duty to consult with Te Rūnanga o Ngāti Whātua. This oversight from the above parties is contrary to the requirements of the Resource Management Act, Settlement legislation for Ngāti Whātua, and clear agreements with Auckland City to ensure the rights and interests of Ngāti Whātua are provided for. In addition, the actions of the Applicant and consent authority, exacerbate the grievances genuinely held by Ngāti Whātua people, in relation to their whenua, awa and culture. There is a very clear expectation in the Settlement Act for Ngāti Whātua that iwi, hapu and whanau would not be subject to further injustice.



The proposal does not promote sustainable management and is inconsistent with Part 2 RMA. It results in adverse effects to:

- (a) the s6(e) RMA relationship between Te Rūnanga o Ngāti Whātua and their culture and traditions, whanaungatanga and tikanga over their ancestral lands, waters, sites, wāhi tapu and taonga;
- (b) the exercise of kaitiakitanga by Te Rūnanga o Ngāti Whātua;
- (c) implementation of the principles of Te Tiriti o Waitangi (including rangatiratanga and the active duty to protect taonga);
- (d) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate use and development s6(a);
- (e) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna s6(c);
- (f) the ethic of stewardship s7(aa)
- (g) the efficient use and development of natural and physical resources s7(b)
- (h) the efficiency of the end use of energy s7(ba)
- (i) the maintenance and enhancement of amenity values s7(c)
- (j) intrinsic values of ecosystems s7(d)
- (k) maintenance and enhancement of the quality of the environment s7(f)
- (l) any finite characteristics of natural and physical resources s7(g)

7.2 The proposal results in more than minor, and significant and actual and potential adverse effects on the environment. These include:

- Adverse cultural effects to Te Rūnanga o Ngāti Whātua and the related cultural landscape where the proposal is located;
- Adversely affects Ngāti Whātua while providing for the practical expression of kaitiakitanga including their tikanga of:
  - Hau is a strategy that relates to air quality and airwaves
  - Hua is a strategy related to land-based activities
  - Tai is a strategy to improve marine-based activities;
- Rāhui instituted by Te Rūnanga o Ngāti Whātua and their hapū and Marae in opposition to the proposal;
- Intergenerational impacts including future generations impacted by the long term landfill legacy
- Adverse terrestrial, aquatic and estuarine biodiversity effects;
- Impacts on freshwater, including Te Awa Hōteoro and its catchments, and risk of discharge of contaminants to Te Awa Hōteoro and Kaipara Moana affecting te mana o te wai;

- discharge (and unacceptable risk of discharge) of contaminants to water, land and air;
- Adverse impacts to Papatūānuku and mauri;
- Significant stream diversions & reclamations (exceeding 15.4 km)
- Leachate (water and landfill gas)
- Climate change and greenhouse gas emissions
- Intrinsic values, amenity, and quality of environment
- Landscape and natural character
- Traffic generated by the proposal

7.3 The proposal does not give effect to the relevant objectives and policies of the Regional Policy Statement. The proposal is inconsistent with other relevant provisions of the Auckland Unitary Plan.

7.4 The proposal has not assessed the relevant cultural effects from all impacted mana whenua and tangata whenua. Te Rūnanga o Ngāti Whātua has not provided (to date) a cultural values assessment consistent with tikanga. Waste Management NZ Ltd and Council have failed to undertake best practice consultation and engagement; resulting in inadequate information on cultural and other effects of the proposal. The proposal does not achieve the requirements of the RPS for engagement with those holding mana whenua. This includes opportunities for active participation, partnership and meaningful engagement:

#### **B6.2.2. Policies**

(1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following:

- (a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga;
- (b) builds and maintains partnerships and relationships with iwi authorities;
- (c) provides for timely, effective, and meaningful engagement with Mana Whenua at appropriate stages in the resource management process, including development of resource management policies and plans;
- (d) recognises the role of kaumātua and pūkenga;
- (e) recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga;

- (f) acknowledges historical circumstances and impacts on resource needs;
- (g) recognises and provides for mātauranga and tikanga; and
- (h) recognises the role and rights of whānau and hapū to speak and act on matters that affect them.

7.5 The evaluation and analysis fails to consider section AA of the NPS Freshwater Management 2017 and New Zealand Coastal Policy Statement 2010, including policy 2 and 11.

7.6 The proposal fails to address (under section 32 of the RMA):

- (a) alternative methods and sites that result in more appropriate long term outcomes for the region;
- (b) relevant benefits and costs;
- (c) uncertainties and risks;
- (d) alternative locations, reduced intensity and scale;
- (e) other reasonably practicable options for achieving the objectives;
- (f) a summary of consultation with tangata whenua, advice received and response to that advice.


**Outcome sought:**

I seek the following decision from the consent authority:

- 8.1 PC42 should be declined under the 1<sup>st</sup> Schedule of the RMA. If it is not declined, then substantial amendments to PC42 are required, as set out above. For clarity, this includes avoiding adverse effects on: 132.1
- the whenua and awa of the Kaipara Harbour 132.2
  - the exercise of kaitiakitanga by Ngāti Whātua iwi, hapu and whanau 132.3
  - future generations of Ngāti Whātua people 132.4
  - the exercise of rāhui by Ngāti Whātua iwi, hapu and whanau 132.5
  - terrestrial, aquatic and estuarine environments 132.6
  - climatic destruction 132.7
  - natural character and landscape 132.8
  - communities in close proximity to the landfill, in relation to traffic, amenity, odour and noise. 132.9
- 8.2 If PC42 is approved, then substantial amendments are required to the provisions to address the relevant adverse effects identified above. This includes amendments to the description, objectives, policies, methods and rules, to ensure adverse effects on the matters identified in 7.2, are avoided.

I wish to be heard in support of my submission and will take part in mediation, expert caucusing, or further engagement, where directed by the Hearing Panel, or consistent with the outcome identified above.

If others make a similar submission, I will consider presenting a joint case with them at the hearing.



**Dame R. Naida Glavish** DNZM JP  
Chair, Te Rūnanga o Ngāti Whātua

26 May 2020

Electronic address for service of submitter: [officeoftheChairman@ngatiwhatua.iwi.nz](mailto:officeoftheChairman@ngatiwhatua.iwi.nz)

Telephone: 09-470 0720

Postal address: PO Box 1784, Whangarei 0140

Contact person: Alan Riwaka, Chief Executive, Te Rūnanga o Ngāti Whātua

Copy to Counsel Acting: Rob Enright, e: [rob@publiclaw9.com](mailto:rob@publiclaw9.com)

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Wendy Crow-Jones

Organisation name: Northfork Farms Ltd

Agent's full name:

Email address: [wendycjones@yahoo.co.nz](mailto:wendycjones@yahoo.co.nz)

Contact phone number:

Postal address:  
221 Boshier Rd  
R D 4  
Wellsford  
Auckland 0974

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:  
Plan Change 42 (Private) Auckland Regional Landfill Wayby Valley

Property address: 1232 State Highway 1, Wayby Valley

Map or maps:

Other provisions:  
This plan change seeks to re zone farm and forestry land from rural production to a special landfill precinct.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

I recently applied to have a title from my 1500 acre dairy farm shifted and reduced in size to provide a house site title for my daughter . This was declined on the grounds that it was productive land. The term productive land (also applies to forestry because of the carbon credits it produces to ward off climate change) seems now to be a major criteria that prevents any other land use or zoning. So how can Auckland Council justify rezoning 1000 ha of productive land at Wayby Valley that is currently covered in forest into a landfill precinct when;

1. Such a zoning conflicts with the Auckland Council's climate statement in 2019 that declared a climate emergency.
2. A landfill precinct zone would directly contravene the purpose and principles of the RMA 1991 that

both the Auckland Council and its rate payers have to abide by

3. A landfill precinct zoning would conflict with national policy statements on freshwater management.

4. A landfill precinct zoning would run contrary to the Waste Minimisation Act 2008 and the Auckland Council's own Waste Management and Minimisation Plan.

I or we seek the following decision by council: Decline the plan modification

133.1

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

26 May 2020

Plans and Places  
Auckland Council  
Private Bag 92300  
Auckland 1142

Email: [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

**PROPOSED PRIVATE PLAN CHANGE 42 – AUCKLAND REGIONAL LANDFILL –  
WAYBY VALLEY**

Please find attached Auckland Transport's submission on Proposed Private Plan Change 42  
Auckland Regional Landfill – Wayby Valley for Waste Management New Zealand Ltd.

If you have any queries in relation to this submission, please contact me at  
[katherine.dorofaeff@at.govt.nz](mailto:katherine.dorofaeff@at.govt.nz), or on 09 447 4547.

Yours sincerely



Katherine Dorofaeff  
**Principal Planner, Land Use Policy and Planning North / West**

cc:  
Tonkin and Taylor (for Waste Management New Zealand)  
Via email: [rsignal-ross@tonkintaylor.co.nz](mailto:rsignal-ross@tonkintaylor.co.nz)

## **Submission by Auckland Transport on Private Plan Change 42: Auckland Regional Landfill – Wayby Valley**

**To:** Auckland Council  
Private Bag 92300  
Auckland 1142

**Submission on:** Proposed Private Plan Change 42 from Waste Management New Zealand Ltd for a new precinct within the Unitary Plan

**From:** Auckland Transport  
Private Bag 92250  
Auckland 1142

### **1. Introduction**

- 1.1 Waste Management New Zealand Ltd ('the applicant') are applying for a private plan change ('the plan change') to include a new precinct within the Auckland Unitary Plan (Operative in Part) that would provide for the Auckland Regional Landfill by way of specific identification and plan provisions. The plan change would not directly enable a landfill to be established as a further resource consent would be required. The plan change seeks to set up plan provisions that any future new or altered landfill resource consent would be assessed against.
- 1.2 The plan change request is jointly notified with a resource consent application which provides for the construction and operation of a new regional landfill. Auckland Transport has lodged a separate submission on the resource consent application.
- 1.3 Auckland Transport is a Council-Controlled Organisation of Auckland Council ('the Council') and the Road Controlling Authority for the Auckland region. Auckland Transport has the legislated purpose to contribute to an 'effective, efficient and safe Auckland land transport system in the public interest'.<sup>1</sup> Auckland Transport is responsible for the planning and funding of most public transport; operating the local roading network and developing and enhancing the local road, public transport, walking and cycling network for the Auckland Region. Auckland Transport is not the road controlling authority for the state highway network - this falls within the ambit of the New Zealand Transport Agency ('the Transport Agency').
- 1.4 Auckland Transport acknowledges the need for a new solid waste management and disposal facility to replace the Redvale Landfill. As addressed in the resource consent application, the selection of a location proximate to State Highway 1 ('SH1') means that heavy vehicles do not need to use local roads to access the site. It is anticipated that when the proposed Warkworth to Wellsford project is constructed, the Transport Agency will revoke the state highway status of the existing SH1 and it will become a local road within Auckland Transport's ambit. Auckland Transport has taken this future scenario into account when considering how the precinct provisions would address transport effects for any future resource consent.

---

<sup>1</sup> Local Government (Auckland Council) Act 2009, section 39.



1.5 Auckland Transport has an interest in the legal roads which cross, but do not form part of, the applicant's landholdings. The legal roads are unformed or partly formed. There are also some private roads. Some of the legal roads are within the area identified for landfilling purposes - sub-precinct A. Auckland Transport has addressed the legal roads within the landfill area in its separate submission on the resource consent.

1.6 The legal roads crossing the plan change area are addressed in section 2.3.11 of the private plan change request prepared by Tonkin and Taylor for the applicant:

'... Within the proposed precinct there are a number of private roads that are predominantly used for the forestry operation. There are also a number of unformed legal roads across the precinct, some of which coincide in part with the formed private roads. WMNZ is undertaking a road stopping process to close some of the paper roads which cross through Sub-Precinct A, but will retain some public access via unformed legal roads and private roads through the landholdings.'

1.7 The applicant has discussed the road stopping process with Auckland Transport, but has not submitted an application to stop the roads.

1.8 Auckland Transport is not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

## **2. Specific parts of the plan change that this submission relates to**

2.1 The specific parts of the plan change that this submission relates to are set out in **Attachment 1**. In keeping with Auckland Transport's purpose, the matters raised relate to transport or transport assets, and include:

- The need to address transport effects in precinct objectives and policies
- Support for the discretionary status proposed for landfill in sub-precinct A.
- The need for legal roads located within the precinct to be considered in resource consent applications.

2.2 Auckland Transport supports the plan change subject to the applicant satisfactorily addressing the matters raised in **Attachment 1**.

2.3 Auckland Transport is available and willing to work through the matters raised in this submission with the applicant.

## **3. Decisions requested**

3.1 The decisions which Auckland Transport seeks from the Council are set out in **Attachment 1**.

3.2 In all cases where amendments to the plan change are proposed, Auckland Transport would consider alternative wording or amendments which address the reason for Auckland Transport's submission. Auckland Transport also seeks any consequential amendments required to give effect to the decisions requested.

## **4. Appearance at the hearing**

4.1 Auckland Transport wishes to be heard in support of this submission.

4.2 If others make a similar submission, Auckland Transport will consider presenting a joint case with them at the hearing.

**Name:** Auckland Transport

**Signature:**



Christina Robertson  
Group Manager: Strategic Land Use and Spatial Management

**Date:** 26 May 2020

**Contact person:** Katherine Dorofaeff  
Principal Planner: Land Use Policy and Planning North / West

**Address for service:** Auckland Transport  
Private Bag 92250  
Auckland 1142

**Telephone:** 09 447 4547

**Email:** [katherine.dorofaeff@at.govt.nz](mailto:katherine.dorofaeff@at.govt.nz)

Attachment 1

Issue	Support / oppose	Reasons for submission	Decision requested
I617.2 Objectives I617.3 Policies	Oppose in part	The objectives and policies do not address the effect of heavy traffic associated with the landfill on the safety and condition of roads providing immediate access to the landfill. There is a need to specifically address these in the context of the landfill operation rather than relying on the Auckland wide objectives and policies contained elsewhere in the Auckland Unitary Plan (Operative in Part). This amendment is consistent with the statement in the precinct description stating that 'The objectives and policies of the Precinct requires a full assessment of potential effects and a requirement to avoid, remedy, mitigate, or offset / compensate adverse effects ....'	Amend the objectives and policies to include the following additional objective and policy:  <b><u>Objective</u></b> x.. <u>The Auckland Regional Landfill is designed and operated so as to avoid, remedy or mitigate adverse effects on the transport network.</u>  <b><u>Policy</u></b> x. <u>Require any development to provide access and manage operations so as to support safe and efficient movement of vehicles, in particular heavy vehicles, accessing the site to or from the public road network.'</u>
Table I617.4.1 Activity table (A1)	Support	Applying a discretionary activity status will ensure that proposals can be fully assessed, including against the additional objective and policy sought by Auckland Transport relating to the transport network.	Retain the discretionary activity status for (A1) Landfill in Sub-precinct A
I617.9 Special information requirements	Oppose in part	The precinct description states that the land outside sub-precinct A (where the waste will be placed) and sub-precinct B (relates to stream works), will be used for a range of activities associated with landfill operations and energy generation. These associated activities include (but are not limited to) bin exchange area, stormwater treatment, access roads, soil stockpiles, gas and leachate collection and treatment, access roads, soil stockpiles, gas and leachate collection and treatment, workshops, office facilities, and clay borrow.  There may be expectations that some of these activities may use or occupy portions of legal road, including unformed or partly formed portions of road Auckland Transport is responsible for. Auckland Transport will need further information regarding proposals to occupy or use sections of unformed legal road. Auckland Transport will also want to ensure that there will be no obligations, responsibilities, or future costs arising to Auckland Transport from the use of roads within the precinct, especially where heavy vehicles are involved. This will need to be	Amend I617.9 Special information requirements, to include the following:  <b><u>'Information about how the proposed use or occupation of any legal roads within the precinct, including any unformed or partly formed roads will be managed. Where any legal roads are affected, information about consultation and/or applications for road stopping undertaken with Auckland Transport, including any recommendations or decisions from Auckland Transport.'</u></b>

134.1

134.2

134.3

Issue	Support / oppose	Reasons for submission	Decision requested
		addressed, where relevant, as part of any future resource consent application.	

I OBJECT to the unitary plan change  
Susan Lewis  
Wellsford resident

135.1

suesulewis@gmail.com>

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Leane Makey

Organisation name:

Agent's full name:

Email address: [lmakey@slingshot.co.nz](mailto:lmakey@slingshot.co.nz)

Contact phone number: 094225215

Postal address:  
859 Kaipara Flats Road  
RD1  
Warkworth  
Warkworth 0941

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:  
Landfill Precinct

Property address: 1232 SH1, Wayby Valley

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:  
See attached supporting document

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

Supporting documents  
LeaneMakey\_PC42\_SubmissionLetter\_Supporting Document.pdf

### Attend a hearing

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert St  
Private Bag 92300  
Auckland 1142  
[unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

26<sup>th</sup> May 2020

Leane Makey  
859 Kaipara Flats Rd  
Warkworth 0941  
[lmakey@slingshot.co.nz](mailto:lmakey@slingshot.co.nz)

**re. Submission to Plan Change PC42, Auckland Regional Landfill Wayby Valley.**

### **Summary**

I oppose the plan provision of Landfill Precinct

I wish **to be heard** on my opposition to this proposal.

I do not wish to be joined with other submitters.

I will not gain an advantage in trade competition through this submission.



## Submission

1. My name is Leane Makey. I live in Kaipara Flats alongside the Hoteo river and Kaipara harbour. I live and work on the health of the Kaipara harbour and its many land-sea ecosystems across the harbour-catchment area. I am a marine ecologist with a PhD in social-indigenous geography. My doctoral research was a critical analysis of the ecosystem-management of the Kaipara harbour and generally, in settler-colonial contexts.
2. I write about the Kaipara harbour and ecosystems because the proposed landfill is to be positioned in one of the Kaipara's largest catchments, the Hoteo river catchment. In fact, the Hoteo and some of its many tributaries flow through the proposed landfill site in Wayby Valley. The Kaipara estuarine ecosystem is not separate from its land (terrestrial and freshwater) ecosystems. They are one and the same. Any adverse and violent impact to one part of the system, affects other parts of the system and this includes societies within these systems. Unfortunately, since colonisation this violence to nature continues today, unchecked and unseen, except by those whom experience and live with that settler-colonial violence. Cumulative effects have attempted to be quantified through an ecological viewpoint without a consideration of the integrating aspects of societal linkages; and specifically, social difference (e.g., gender, ethnicity, race, class etc).
3. All of Kaipara ecosystems have been altered and dominated through settler-led governance and management policy and actions. Ecologically, the Kaipara is now one of the most degraded ecosystems in Aotearoa New Zealand as a result of ongoing sedimentation pollution through unsustainable landuse and management. For the Indigenous people of Kaipara, Ngāti Whātua, the violence demonstrated and applied to their most beloved family member, Kaipara, continues to conjure ongoing feelings of maemae and trauma. My point is, Kaipara nature is already degraded ecosystem with Indigenous peoples already experiencing the far-reaching effects of the violence of settler colonialism, this proposed landfill upholds and continues to achieve this degradation and violence. The proposal is positioned on the notion that nature will freely provide the service of holding, breaking down, recirculating waste (generated by humans) of all types - industrial, plastic, vegetation, nonorganic and so on. I oppose such capitalist notions of nature.
4. The whole waste management proposal does not align with the vision set forth by the iwi, hapū and community in partnership with local and central government for Kaipara harbour, catchment and ecosystems. That being 'a healthy and productive Kaipara harbour'. Since the late 1990s, hapū, as kaitiaki, have been at the forefront of restoring and protecting their family member. This has cumulated in grass-roots action to stem the flow of pollution violence.
5. The proposal conflicts with: the purpose and principles of the Resource Management Act 1991, the Auckland Unitary Plan, National Policy Statements on Freshwater Management, NPS for Biodiversity (draft), Waste Minimisation Act 2008 and the

Auckland Council Waste Management and Minimisation Plan. I object to one off bespoke objectives, policies and rules being applied to this site.

- a. RMA – Part 2: s5, s6, s7, s8. Part 3: s9, s12, s13, s15, s16, s17. Part 5: 43A
- b. NPS Freshwater – Te mana o te wai are not been considered in the plan change proposal and furthermore, the location of such a risky and uncertain proposal in a waterway(s) does not meet the objectives of the NPS. The proposal continues to uphold the notion that nature is freely available to provide a service at no cost, yet economic gain, to deal with societal/human waste.
- c. Waste Minimisation Act 2008 – proposal does not meet the purpose of the Act.
- d. NPS for Biodiversity (draft 2019) – the equivalent to te mana o te wai in the NPS Biodiversity is hutia te rito. It is unclear how this proposed landfill precinct meets and recognises Te Ao Maori, protects biodiversity from land to sea, mountains to sea, sea to land.
- e. Auckland Council Waste Management and Minimisation Plan – unclear how the proposal meets Zero Waste goals for the region. Unclear where the proposal will meet community and iwi/hapū objectives with waste management and minimisation aspirations.

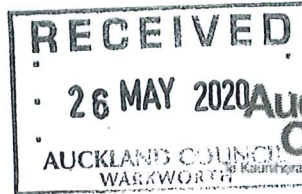
Kind Regards,



Leane Makey  
BSc (Hons), PhD (Env Sci)

**Submission on a notified proposal for policy statement or plan change or variation**

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

**Submitter details**

**Full Name or Name of Agent (if applicable)**

Mr/Mrs/Miss/Ms(Full Name) Alex Schenz

**Organisation Name (if submission is made on behalf of Organisation)**

**Address for service of Submitter**

180 Monarch Downs, Warkworth 0982

Telephone: 025 603 3896 Fax/Email:

Contact Person: (Name and designation, if applicable)

**Scope of submission**

**This is a submission on the following proposed plan change / variation to an existing plan:**

Plan Change/Variation Number PC 42

Plan Change/Variation Name Auckland Regional Landfill Wayby Valley

**The specific provisions that my submission relates to are:**

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s) Principles of Resource Management Act

Or

Property Address

Or

Map

Or

**Other (specify)**

**Submission**

**My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)**

I ~~support~~ support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are:

the proposal is contrary to sound resource management principles; is contrary to the purpose and principles of the Resource Management Act 1991, conflicts with National Policy Statements on Freshwater Management; contrary to the Waste Minimisation Act 2008 and the Auckland Council Waste Management and Minimisation Plan

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation
- If the proposed plan change / variation is not declined, then amend it as outlined below.

137.1

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter  
(or person authorised to sign on behalf of submitter)

25-May-2020  
Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  /could not  gain an advantage in trade competition through this submission.

**If you could gain an advantage in trade competition through this submission please complete the following:**

I am  / am not  directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

# Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

## Submitter details

Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms(Full Name)

NGĀTI MANUHIRI SETTLEMENT TRUST

Organisation Name (if submission is made on behalf of Organisation)

Address for service of Submitter

P.O. BOX 117, WARKWORTH 0910

Telephone:

021548474

Fax/Email:

p.tuinder@ngatimanuhiri.wl.nz

Contact Person: (Name and designation, if applicable)

PIETER TUINDER, KAITIAKI MANAGER.

## Scope of submission

This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

PC 42

Plan Change/Variation Name

Auckland Regional Landfill Wayby Valley

The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

ALL PROPOSED PLAN CHANGE PROVISIONS.

Or

Property Address

[Empty box]

Or

Map

[Empty box]

Or

Other (specify)

## Submission

My submission is: (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I support the specific provisions identified above

I oppose the specific provisions identified above

I wish to have the provisions identified above amended

Yes

No

DECLINE PROPOSED PLAN CHANGE.



The reasons for my views are:

REFER TO ATTACHED SUBMISSION

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation  | 138.1
- If the proposed plan change / variation is not declined, then amend it as outlined below.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

J J Hohredt Chairman NMSi 25/5/2020  
 Signature of Submitter Date  
 (or person authorised to sign on behalf of submitter)

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

~~I could~~  / could not  gain an advantage in trade competition through this submission.

**If you could gain an advantage in trade competition through this submission please complete the following:**

I am  / am not  directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

**NAME OF SUBMITTER:** NGĀTI MANUHIRI SETTLEMENT TRUST.

**ADDRESS FOR SERVICE:** P.O. BOX 117 WARKWORTH 0910

**PLAN CHANGE:** PLAN CHANGE 42 – AUCKLAND REGIONAL LANDFILL WAYBY VALLEY

**ADDRESS OF PROPOSED ACTIVITY:** 1232 STATE HIGHWAY 1, WAYBY VALLEY.

**NGĀTI MANUHIRI SETTLEMENT TRUST'S (NMST) SUBMISSION OPPOSES THE WHOLE OF PROPOSED PLAN CHANGE 42 – AUCKLAND REGIONAL LANDFILL WAYBY VALLEY. NMST REQUEST THAT THE COUNCIL DECLINE THE PROPOSED PLAN CHANGE.**

**THE REASONS FOR NMST'S COMPLETE OPPOSITION TO THIS PLAN CHANGE ARE AS FOLLOWS:**

1. Ngāti Manuhiri Settlement Trust oppose Plan Change 42 on the same grounds that they oppose the landuse resource consent application to establish a landfill on the subject site.
2. WMNZ failed to engage appropriately with NMST prior to lodging the Plan Change application. The draft resource consent application material (over 2000 pages of evidence) was given to NMST only one week prior to the application being lodged with Council. The Plan Change was lodged soon afterwards. This left no time for NMST to consider the draft proposal and have discussions about the proposed activity, the suitability of the site location, the proposed design, and proposed mitigation measures. This was completely inadequate pre-lodgment engagement with NMST as the mandated entity to represent Ngāti Manuhiri as mana whenua for this area.
3. The location is a poor choice for a large scale regional landfill. There are significant Wai Mauri in this area creating the veins in the rohe that flow both east to west and west to east. Ngāti Manuhiri sacred maunga within the rohe uphold and represent Ngāti Manuhiri as kaitiaki of the mauri. The location of the proposed landfill will significantly impact on the customary rights and interests of Ngāti Manuhiri.
4. The applicant has not identified or shown alternative sites for the landfill.
5. The application flags a future proposal to place as second landfill in Valley 2. Whilst this is not part of this application, it shows an intention to explore a second landfill which will at least double the scale of impact and further degrade the surrounding environs, therefore continuing to adversely impact on the rohe of Ngāti Manuhiri and also our whanaunga and relations.
6. Specific impacts of concern to NMST include:
  - a. Integrity of the landfill liner – what guarantee is there that the landfill liner will stay intact permanently – not just for the duration of the consent but also looking forward into the future generations of our mokopuna. There are any number of reasons why the liner could fail and cause contamination.

- b. Failure to contain leachates and other contaminants will result in unacceptable cultural and environmental impacts on Ngāti Manuhiri's Wai Mauri .
- c. Erosion and sediment impacts – landfill construction and fill stockpiles will adversely impact adjoining stream environments.
- d. Terrestrial and freshwater ecology. The site has high ecological and cultural values. Key concerns include:
  - Loss of habitat area, in particular Hochstetter Frog habitat which is very hard to replace/mitigate. Also loss of multiple other taonga species or the reduction in habitat quality due to the effects of the landfill activity.
  - Loss of 15.4km of permanent and intermittent streams that cannot be replaced, with loss of stream habitat and species.
  - Impacts on important wetland areas within the land holdings.
  - Proposed additional radiata pine plantation is proposed on the Springhill Farm land which is inappropriate near important wetlands and the Sunnybrook Reserve. Harvesting is likely to generate a high sediment load into adjoining wetlands and Sunnybrook Reserve.
- e. Traffic impacts – the Dome Valley is a known blackspot for traffic accidents. Any additional loss of life due to the increased traffic, particularly heavy trucks, is of concern.
- f. Closing of unformed roads. NMST is opposed to the closing of unformed legal roads as it removes them from public ownership and this could compromise continued public access in the future.

#### 7. Cultural Impacts:

- a. For Ngāti Manuhiri this area has very significant cultural importance:
  - The source of the water within Ngāti Manuhiri's rohe starts with the ancestral maunga which are located in this area:
    1. Tamahunga
    2. Tohitohi ō Reipae
    3. Kikitangiao
    4. Pae Kauri
    5. Pukenui
  - Water within the rohe flow east to west and west to east from these ancestral maunga and puna – they are all one interconnected system according to Ngāti Manuhiri tikanga.
  - The Hoteo catchment which is in the centre of the rohe is the largest catchment of Wai Mauri that resources the Kaipara Harbour. Hoteo awa is a large water system which is highly significant to the cultural history of Ngāti Manuhiri.
  - The proposed landfill will significantly impact on the Kaipara Harbour where Ngāti Manuhiri alongside other iwi have customary rights.
- b. The landfill will permanently change and diminish the mauri of this locality with waste being permanently stored in the ground.
- c. The landfill will permanently impact on the health of the whenua and surrounding environs, having to hold this large quantity of waste material.



- d. Permanent loss of streams and stream habitat with the loss of 15.4 km of existing permanent and intermittent streams, stream habitats plus impacts on surrounding water bodies across the rohe of Ngāti Manuhiri.
  - e. The landfill will disturb the sacredness of the site for Ngāti Manuhiri
  - f. The landfill will have significant adverse impacts on taonga species and habitats including Hochstetter Frogs, native fish, birds and other taonga species.
8. Need for alternative methods: The Covid-19 pandemic has shown that nature will recover rapidly if the impacts of people are removed, with world wide examples of vastly improved water quality, air quality, and improved habitat during lock down periods. Waste Management NZ needs to invest in alternative ways of dealing with rubbish through waste minimisation, reuse, recycling and different treatment methods. Placing large quantities of waste in locations such as Wayby Valley is not sustainable and does not respect the cultural aspirations of Ngāti Manuhiri the mana whenua.

**Conclusion:**

On behalf of the tribal grouping known as Ngāti Manuhiri, the Chairman of the Ngāti Manuhiri Settlement Trust, Mook Hohneck, wishes to inform you that Ngāti Manuhiri is completely opposed to this proposal to create Plan Change 42 to provide for landfill activities by way of an Auckland Regional Landfill precinct on the subject site.

The following customer has submitted a Unitary Plan online submission.

### **Contact details**

Full name of submitter: Susan Andrews

Organisation name: Heritage New Zealand Pouhere Taonga

Agent's full name:

Email address: [sandrews@heritage.org.nz](mailto:sandrews@heritage.org.nz)

Contact phone number: 09 3079920

Postal address:

### **Submission details**

#### **This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### **My submission relates to**

Rule or rules:

Please see attached submission.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

Please see attached submission.

I or we seek the following decision by council: Accept the plan modification with amendments

Details of amendments: Please see attached submission.

Submission date: 26 May 2020

Supporting documents

HNZPT Submission PPC42 - WMNZ Wayby Valley Landfill FINAL.pdf

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



26<sup>th</sup> May 2020

Attention: Planning Technician  
Auckland Council  
Level 24  
135 Albert Street  
Private Bag 92300  
Auckland 1142

Dear Sir or Madam

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA**

**PROPOSED PLAN CHANGE 42 (PRIVATE): AUCKLAND REGIONAL LANDFILL WAYBY VALLEY**

**To:** Auckland Council

**Name of submitter:** Heritage New Zealand Pouhere Taonga

**1. This is a submission on the following proposed private change to the Auckland Unitary Plan (Operative in Part) (the proposal):**

To introduce a new precinct into the Auckland Unitary Plan – the Auckland Regional Landfill Precinct. The precinct will identify the Auckland Regional Landfill precinct in the planning maps, and will introduce new provisions, specific to the precinct.

The reasons for the Private Plan Change request are summarised by the applicant as follows:

- To appropriately recognise landfills as infrastructure within the Auckland Unitary Plan, by identifying a site within Auckland that has been assessed as being suitable for a new landfill, and describing this site through the use of a precinct and managing future effects of activities within the precinct through bespoke objectives, policies and rules;
- In anticipation of a landfill being established at the site, providing recognition of the site in the planning framework for the Auckland Region, consistent with the treatment of other largescale infrastructure in the region, and to manage potential future reverse sensitivity effects;
- To enable efficient operation of a future landfill at the site throughout its operating life, by targeting future re-consenting requirements to the nature of the discharge and measures to avoid, remedy or mitigate effects.

**2. Heritage New Zealand could not gain an advantage in trade competition through this submission.**

**3. The specific provisions of the proposal that Heritage New Zealand's submission relates to are:**

- Incomplete assessment of historic heritage values associated with two standing structures of historic heritage interest (a cottage and woolshed) located within the 'Springhill Estate' and their settings (landscape features, plantings, fencing, paths, ancillary structures, etc.).

**4. Heritage New Zealand’s submission is:**

- Heritage New Zealand is an autonomous Crown Entity with statutory responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand’s historical and cultural heritage.
- Two structures of historic heritage interest are located on the ‘Springhill Estate’ with potential to represent early settlement locales (a cottage and farm building (possibly a shearing shed/woolshed))<sup>1</sup>, with the cottage in particular having features that could indicate a pre-1900 construction date.
- That an appropriate assessment by a built heritage/buildings archaeologist is completed to establish the age of the two built structures (the cottage and farm building), located within the ‘Springhill Estate’ to determine the presence of any archaeological 19<sup>th</sup> century structural elements including any distinctive elements that may be relevant for this region.
- In addition, pursuant to Section 6(f) of the RMA, confirmation should be provided that these extant buildings and structures have been assessed in relation to broader historic heritage values including their wider settings other than regarding archaeological potential.
- This will enable any features located to be flagged and recorded on the Auckland Council Cultural Heritage Index (CHI), and for any pre-1900 features to be recorded as an archaeological site on the New Zealand Archaeological Associated (NZAA) ArchSite database.
- Completion of these assessments will ensure any historic heritage and archaeological values are fully understood and therefore can be appropriately provided for with regard to long term outcomes and management, should future activities associated with or supplementary to landfill operations, or as provided for under the Rural – Rural Production Zone, be proposed within this locale.

**5. Heritage New Zealand seeks the following decision from the local authority:**

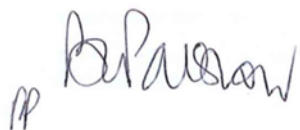
- |   |       |
|---|-------|
| 5.1. That an appropriate assessment by a built heritage/buildings archaeologist is completed to establish the age of the two built structures (a cottage and farm building), located within the ‘Springhill Estate’ to determine the presence of any 19 <sup>th</sup> century structural elements of archaeological and heritage value including any distinctive elements that may be relevant for this region. | 139.1 |
| 5.2. That these extant buildings and structures have been assessed in relation to broader historic heritage values including their wider settings other than regarding archaeological potential.  | 139.2 |
| 5.3. That any features located are recorded on the Auckland Council Cultural Heritage Index (CHI), and (for any pre-1900 features) recorded as an archaeological site on the New Zealand Archaeological Associated (NZAA) ArchSite database.  | 139.3 |

---

<sup>1</sup> As referred at pages 1, 2, 30 - 36 of ‘*Technical Report K - Archaeological Assessment: Proposed Works, Dome Valley – Area of Interest*’, prepared for Tonkin & Taylor Ltd, by Matthew Felgate, Maatai Taonga Ltd, September 2018.

6. Heritage New Zealand wishes to be heard in support of our submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sherry Reynolds', with a small 'SR' monogram to the left.

Sherry Reynolds  
Director Northern Region

Address for Service:

Susan Andrews

PO Box 105 291, Auckland

09 307 9920

[sandrews@heritage.org.nz](mailto:sandrews@heritage.org.nz)

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Uriah Lee

Organisation name:

Agent's full name:

Email address: [2fasttimmons@gmail.com](mailto:2fasttimmons@gmail.com)

Contact phone number:

Postal address:

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:

The creation of a landfill that is bad for the environment.

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

Our world is the only world we have, we cannot destroy it.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

### Attend a hearing

Do you wish to be heard in support of your submission? No

### Declaration

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



The following customer has submitted a Unitary Plan online submission.

## Contact details

Full name of submitter: Miriama Marion Walters

Organisation name:

Agent's full name: N/A

Email address: [miriama.walters@yahoo.co.nz](mailto:miriama.walters@yahoo.co.nz)

Contact phone number:

Postal address:  
3 Cooper Crescent  
Otara  
Manukau  
Auckland 2023

## Submission details

### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

### My submission relates to

Rule or rules:

The whenua - the Dome valley where the landfill is supposed to be located; the Hoteo river and the Kaipara Harbour of which will be directly affected by the said Landfill during heavy rainfall; the fauna and flora of the area and the inhabitants and the tangata whenua of the area.

Property address: Springhill Farm, Dome Valley, Wellsford

Map or maps:

Other provisions:

The number of vehicles and the sizes which is needed to service this activity, the times which this will be said to operate and the number of days of the week which it is said to be operating. And the area which will be likely to be serviced.

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? No

The reason for my or our views are:

We don't have faith in the people running this operation as well as the plant itself. The plant will be operating as a mega-sized landfill on a slope running down to the Hoteo river, this leads onto the main road which is State Highway 1. With more trucks on this highway the traffic will be horrendous for north bound or south bound vehicles.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Murray Macdonald

Organisation name:

Agent's full name: Murray Macdonald

Email address: [fat.mac@xtra.co.nz](mailto:fat.mac@xtra.co.nz)

Contact phone number: 0275650459

Postal address:  
1437A State H/Way 23 RD9  
WHATAWHATA,  
Hamilton 3289

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:

This submission relates to the total plan to build a landfill at Dome Valley

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

We farmed a small dairy farm at Glorit known as Glavish farm. Yes it was reclaimed from the Kaipara Harbour by Nadia Glavish's Grandfather. The Hoteo river meets the harbour less than a Km from the farm. This farm was certified organic. We raised our children on this farm and our grandchildren spent a lot of their time there. My real concern is that with the changing climate and the seemingly increase in severe weather storms there is no safety net to save not only the river but the extremely important land the river serves. There are other ways of dealing with Auckland's rubbish rather than filling a land fill in this area. We lived next door to the Puatahi Marae for all those years and felt we were part of it. The locals certainly treated us that way. We are really concerned for them should anything bad happen to the area they call home. We have retired and left the district but still call that area Home. Let's not take any risks here. It's just not worth it.

I or we seek the following decision by council: Decline the plan modification

142.1

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Murray Macdonald

Organisation name:

Agent's full name: Murray Macdonald

Email address: [fat.mac@xtra.co.nz](mailto:fat.mac@xtra.co.nz)

Contact phone number: 0275650459

Postal address:  
1437A State H/Way 23 RD9  
WHATAWHATA,  
Hamilton 3289

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:

This submission relates to the total plan to build a landfill at Dome Valley

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

We farmed a small dairy farm at Glorit known as Glavish farm. Yes it was reclaimed from the Kaipara Harbour by Nadia Glavish's Grandfather. The Hoteo river meets the harbour less than a Km from the farm. This farm was certified organic. We raised our children on this farm and our grandchildren spent a lot of their time there. My real concern is that with the changing climate and the seemingly increase in severe weather storms there is no safety net to save not only the river but the extremely important land the river serves. There are other ways of dealing with Auckland's rubbish rather than filling a land fill in this area. We lived next door to the Puatahi Marae for all those years and felt we were part of it. The locals certainly treated us that way. We are really concerned for them should anything bad happen to the area they call home. We have retired and left the district but still call that area Home. Let's not take any risks here. It's just not worth it.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Murray Macdonald

Organisation name:

Agent's full name: Murray Macdonald

Email address: [fat.mac@xtra.co.nz](mailto:fat.mac@xtra.co.nz)

Contact phone number: 0275650459

Postal address:  
1437A State H/way23 RD9  
WHATAWHATA,  
Hamilton 3289

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:  
Strongly oppose building of the landfill in Dome Valley

Property address:

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

WE farmed on the Glavish farm for nearly 30 years. The farm was reclaimed from the harbour by the Glavish (Nadia Glavish Grandfatherand family) The Hoeto river meets the Kaipara harbour less than a Km from the farm. We are really concerned that should anything go amiss with proposed landfill everything in the area is at risk. Climate change is causing massive weather storms like we have never seen before and should such a storm happen in this region the results could be unbelievable. There are other ways the people of Auckland can deal with there rubbish without dumping it in someone else s back yard.

We are retired now but this area will always be home. We raised our family there, our grandchildren spent much of their growing there. The local marae was next door and treated us as one of them for all of those years. It would be criminal if anything happened that they lost the area that is their home.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.



2020

Auckland Council

## Te Ohu Kaimoana's submission to the Auckland Council on PC 42

1. Te Ohu Kai Moana Trustee Limited (**Te Ohu Kaimoana**) hereby submits on an application made by Waste Management New Zealand Ltd's to alter the Auckland Unitary Plan to introduce a new precinct into the Auckland Regional Landfill Precinct (hereafter referred to as the **proposed plan change**). The proposed plan change relates to the proposed construction and operation of a new regional landfill facility on approximately 1020 hectares of land at 1232 State Highway 1, Wayby Valley, between Warkworth and Wellsford.

### ***Te Ohu Kaimoana***

2. Te Ohu Kaimoana is a representative organisation that has its origins in the 1992 Fisheries Deed of Settlement and was established through the passage of the Maori Fisheries Act 2004. Our role is to protect and enhance Iwi and Māori interests in the marine environment, particularly in relation to customary and commercial fisheries as well as aquaculture.
3. Te Ohu Kaimoana works on behalf of 58 Mandated Iwi Organisations (**MIOs**), who in turn represent all Maori throughout Aotearoa. We work on priorities agreed by MIOs to protect and enhance both the Fisheries and Aquaculture Treaty Settlements.

### ***Our view***

4. Te Ohu Kaimoana opposes the proposed plan change in its entirety and we reserve the right to be heard in support of our submission.
5. Due to a range of circumstances, we have been unable to provide a comprehensive submission at this time. However, we support the submission put forward by Te Rūnanga o Ngāti Whātua and particularly concur with the issues it raises about the proposed plan change including that it:
  - a. Fails to comply with the Resource Management Act 1991 and Ngāti Whātua's Treaty settlement legislation;
  - b. Would result in significant and potential adverse impacts on the environment; and
  - c. Fails to address cultural impacts, given there's being a lack of meaningful consultation and engagement with Ngāti Whātua.

Given these factors, we do not consider it would be acceptable for the Auckland Council to adopt the proposed plan change into the Auckland Unitary Plan.

143.1

6. We are concerned about the negative environmental consequences of the proposed plan change. If accepted, the proposed plan change would increase the risk of the discharge of contaminants into Te Awa Hōteio and Kaipara Moana. Kaipara Moana houses an important snapper nursery, numerous fish stocks and is the food basket of Ngāti Whātua. If the proposed plan change is accepted, the impacts it could have on the moana could degrade Ngāti Whātua's commercial and non-commercial customary rights secured under the Fisheries Deed of Settlement. This is unacceptable.
7. As a representative Māori organisation, ordinarily any responses Te Ohu Kaimoana provides to the Crown or local government are circulated to Iwi for their feedback. In this instance, that has been unable to occur as we only became aware of the proposed plan change on 26 May 2020 after being alerted to it by Te Rūnanga o Ngāti Whātua. We do not intend for this response to derogate from or override any response or feedback provided independently by Iwi, through their MIOs.
8. Please direct any correspondence to Monique Holmes at [Monique.Holmes@teohu.maori.nz](mailto:Monique.Holmes@teohu.maori.nz).

Ngā manaakitanga,



Dion Tuuta

**TE MĀTĀRAE**



The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: riley hathaway

Organisation name:

Agent's full name:

Email address: [rh19@mahurangi.school.nz](mailto:rh19@mahurangi.school.nz)

Contact phone number:

Postal address:

0920

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:

Property address:

Map or maps:

Other provisions:

- The land includes waterways
- Impact on local iwi and Rapu
- Habitat and species loss caused by tree felling and excavations causing loss of biodiversity.
- Impact on land, animals and different species and ecosystems all around not just in this one space. Everything's connected.
- Increased sedimentation
- Leachates will be generated and transported easily through aquatic systems from discharges from the landfill
- Microplastics will be produced through the breakdown of rubbish over time in the landfill
- Impact on people and the community
- Recreation
- Health risks
- Employment issues, although the landfill will create a few jobs there will be loss of jobs in other areas.
- Nuisances - Odour, noise, dust, vibration, light, visual nuisance (on people and animals), rodents, invasive weeds and species caused by the development and operation of the landfill.
- Agriculture
- Emergency services- Increased heavy traffic volumes (300-500 trucks + 150 service vehicles PER DAY)
- Increased risk of accidents/fatals (most fatals already involve trucks)

- Increased fire risk in inaccessible forestry/farmland, and proximity to the main gas line.
- Roothing
- Wasted previous efforts by community groups
- Watercare

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The site clearly does not align with the Resource Management Act, the Unitary/Regional Plans of the area, and to the Waste Industries own landfill siting criteria.

I or we seek the following decision by council: Decline the plan modification

144.1

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Jodi Pretscherer

Organisation name:

Agent's full name:

Email address: [jodipretscherer@hotmail.com](mailto:jodipretscherer@hotmail.com)

Contact phone number:

Postal address:  
43 Preston Ave Mt Albert  
Mt Albert  
Auckland 1025

### Submission details

#### This is a submission to:

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

#### My submission relates to

Rule or rules:

I object to the whole proposal because the whole proposal is contrary to sound resource management principles; is contrary to the purpose and principles of the Resource Management Act 1991, conflicts with the Auckland Unitary Plan, conflicts with National Policy Statements on Freshwater Management, contrary to the Waste Minimisation Act 2008, and the Auckland Council Waste Management and Minimisation plan.

Property address: 1232 State Highway 1, Wayby Valley.

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The proposal conflicts with sound resource management principles; the purpose and principles of the Resource Management Act 1991, the Auckland Unitary Plan, National Policy Statements on Freshwater Management; Waste Minimisation Act 2008 and the Auckland Council Waste Management and Minimisation Plan. I object to objectives, policies and rules being applied to this site.

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? No

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Leihia Wilson

Organisation name:

Agent's full name:

Email address: [leihawilson@hotmail.com](mailto:leihawilson@hotmail.com)

Contact phone number: 021 2377804

Postal address:  
142 Wairakei Avenue  
Papamoa  
Tauranga 3118

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:  
All of proposed PC42.

Property address: This relates to the proposed construction and operation of a new regional landfill facility on approximately 1020 hectares of land at 1232 State Highway 1, Wayby Valley, between Warkworth and Wellsford

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

The proposal does not promote sustainable management and is inconsistent with Part 2 RMA. It results in adverse effects to:

- (a) the s6(e) RMA relationship between Te Rūnanga o Ngāti Whātua and their culture and traditions, whanaungatanga and tikanga over their ancestral lands, waters, sites, wāhi tapu and taonga;
- (b) Adverse effects to the exercise of kaitiakitanga by Te Rūnanga o Ngāti Whātua;
- (c) Breach of principles of Te Tiriti o Waitangi (including rangatiratanga and the active duty to protect taonga).

6.2 The proposal results in more than minor, including significant, actual and potential adverse effects to the environment. These include:



- Adverse cultural effects to Te Rūnanga o Ngāti Whātua and the related cultural landscape where the proposal is located;
- Rāhui instituted by Te Rūnanga o Ngāti Whātua and their hapū and Marae in opposition to the proposal;
- Intergenerational impacts including future generations impacted by the long term landfill legacy
- Adverse biodiversity effects;
- Impacts on freshwater, including Te Awa Hōteho and its catchments, and risk of discharge of contaminants to Te Awa Hōteho and Kaipara Moana;
- discharge (and unacceptable risk of discharge) of contaminants to water, land and air;
- Adverse impacts to Papatūānuku and mauri;
- Significant stream diversions & reclamations (exceeding 15.4 km)
- Leachate (water and landfill gas)
- Climate change and greenhouse gas emissions
- Intrinsic values, amenity and quality of environment
- Landscape and natural character
- Traffic generated by the proposal

6.3 The proposal fails to adequately assess the relevant effects on the environment, benefits and costs, efficiency and effectiveness, relevant alternatives, consultation and information gathering, proportionate to the scale and significance of the proposal, which involves a regional-scale, permanent, landfill operation.

6.4 The proposal does not meet the relevant statutory tests in s32, s32AA and 1st Schedule RMA. As noted, it does not achieve the purpose of the Act. It is not the most appropriate option for achieving the objectives and policies of the Unitary Plan; and there are other reasonably practicable options and alternatives. It is not efficient, effective and does not achieve adequate outcomes. It is contrary or inconsistent with the relevant Unitary Plan provisions and does not give effect to the Regional Policy Statement.

6.5 The proposal has not assessed the relevant cultural effects from all impacted mana whenua and tangata whenua. Te Rūnanga o Ngāti Whātua has not provided (to date) a cultural values assessment. Waste Management NZ Ltd and Council have failed to undertake best practice consultation and engagement; resulting in inadequate information on cultural and other effects of the proposal. The proposal does not meet the expectations of the RPS for mana whenua engagement which includes providing opportunity for active participation, partnership and meaningful engagement:

#### B6.2.2. Policies

(1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following:

(a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga;

(b) builds and maintains partnerships and relationships with iwi authorities;

(c) provides for timely, effective and meaningful engagement with Mana Whenua at appropriate stages in the resource management process, including development of resource management policies and plans;

(d) recognises the role of kaumātua and pūkenga;

(e) recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga;

(f) acknowledges historical circumstances and impacts on resource needs;

(g) recognises and provides for mātauranga and tikanga; and

(h) recognises the role and rights of whānau and hapū to speak and act on matters that affect them.

6.6 The proposal fails to address:

- (a) alternative methods and sites that result in more appropriate long term outcomes for the region;
- (b) relevant benefits and costs;
- (c) uncertainties and risks;
- (d) alternative locations, reduced intensity and scale.

6.7 If PC42 is approved, then substantial amendments are required to the provisions to address the relevant adverse effects identified above. This includes amendments to the description, objectives, policies, methods and rules. Amendments should also address cultural mitigation, offsetting and environmental compensation of adverse cultural and other effects on Te Rūnanga o Ngāti Whātua, and the wider environment.

146.2

6.8 The proposal should be declined under the 1st Schedule RMA. If not declined, then (as a fallback) substantial amendments to PC42 are appropriate.

I or we seek the following decision by council: Decline the plan modification

146.1

Submission date: 26 May 2020

### **Attend a hearing**

Do you wish to be heard in support of your submission? Yes

Would you consider presenting a joint case at a hearing if others have made a similar submission?  
Yes

### **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

Yes

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

## **Before you fill out the attached submission form, you should know:**

You need to include your full name, an email address, or an alternative postal address for your submission to be valid. Also provide a contact phone number so we can contact you for hearing schedules (where requested).

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

# Submission on a notified proposal for policy statement or plan change or variation

Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5



Send your submission to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz) or post to :

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

For office use only
Submission No:
Receipt Date:

## Submitter details

### Full Name or Name of Agent (if applicable)

Mr/Mrs/Miss/Ms (Full Name) Peter Richard Gardner

### Organisation Name (if submission is made on behalf of Organisation)

Federated Farmers of New Zealand (Auckland Province) Incorporated

### Address for service of Submitter

Private Bag 92-066, Auckland 1142

Telephone:  Fax/Email:

Contact Person: (Name and designation, if applicable)

## Scope of submission

### This is a submission on the following proposed plan change / variation to an existing plan:

Plan Change/Variation Number

Plan Change/Variation Name

### The specific provisions that my submission relates to are:

(Please identify the specific parts of the proposed plan change / variation)

Plan provision(s)

Or  
Property Address

Or  
Map

Or  
**Other (specify)**

## Submission

**My submission is:** (Please indicate whether you support or oppose the specific provisions or wish to have them amended and the reasons for your views)

I **support** the specific provisions identified above

I **oppose** the specific provisions identified above

I wish to have the provisions identified above amended Yes  No

The reasons for my views are: Federated Farmers of New Zealand has made a submission opposing the resource consent application that is associated with this Proposed Plan Change.

Accordingly, it is appropriate that the Proposed Plan Change be declined.

(continue on a separate sheet if necessary)

I seek the following decision by Council:

- Accept the proposed plan change / variation
- Accept the proposed plan change / variation with amendments as outlined below
- Decline the proposed plan change / variation  | 147.1
- If the proposed plan change / variation is not declined, then amend it as outlined below.

- I wish to be heard in support of my submission
- I do not wish to be heard in support of my submission
- If others make a similar submission, I will consider presenting a joint case with them at a hearing

Signature of Submitter  
(or person authorised to sign on behalf of submitter)

26 May 2020  
Date

**Notes to person making submission:**

If you are making a submission to the Environmental Protection Authority, you should use Form 16B.

Please note that your address is required to be made publicly available under the Resource Management Act 1991, as any further submission supporting or opposing this submission is required to be forwarded to you as well as the Council.

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could  /could not  gain an advantage in trade competition through this submission.

**If you could gain an advantage in trade competition through this submission please complete the following:**

I am  / am not  directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.



DOC-6305582

26 May 2020

[unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

Attn: Planning Technician  
Auckland Council  
Level 24, 135 Albert Street  
Private Bag 92300  
Auckland 1142

Tēnā koe Sir or Madam

**Proposed Plan Change 42 (Private): Auckland Regional Landfill Wayby Valley**

Please find enclosed the submission by the Director-General of Conservation in respect of Proposed Plan Change 42. The submission identifies the Director-General's position.

Please contact Chris Rendall in the first instance if you wish to discuss any of the matters raised in this submission at [crendall@doc.govt.nz](mailto:crendall@doc.govt.nz) or on 027 408 3526.

Nāku noa, nā

Andrew Baucke

Operations Director  
Kaihautū Matarautaki  
Auckland

**Department of Conservation *Te Papa Atawhai***

Whare Kaupapa Atawhai / Conservation House

PO Box 10420, Wellington 6143

[www.doc.govt.nz](http://www.doc.govt.nz)

---

**Form 5: Submission on notified proposal for policy statement or plan, change or variation**

**Resource Management Act 1991**

---

**To:** Auckland Council

**Name of submitter:** Lou Sanson, Director-General of Conservation (the **Director-General**)

This is a submission on a change proposed to the following plan (the **Proposal**):

PC 42 (Private) Auckland Regional Landfill Wayby Valley to the Auckland Unitary Plan (Operative in Part) (the **AUP**)

**Applicant:** Waste Management New Zealand Ltd ('WMNZ') (the **Applicant**)

I could not gain an advantage in trade competition through this submission

**The specific provisions of the proposal that my submission relates to are:** The whole Proposal

**My submission is:** I oppose the Proposal.

The reasons for my views are as follows:

*Interest in the Application*

1. The Director-General of Conservation (the **Director-General**) has all the powers reasonably necessary to enable the Department of Conservation (**DOC**) to perform its functions.<sup>1</sup> The Conservation Act 1987 (the **CA**) sets out DOC's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage.<sup>2</sup> Section 2 of the CA defines 'conservation' to mean '*the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations*'.

---

<sup>1</sup> Refer section 53 Conservation Act 1987

<sup>2</sup> Conservation Act 1987, section 6.

*Reasons for the submission*

2. My key concern is that the proposed 'precinct' is an inappropriate location for a landfill due to the values the site contains, the context in which it exists, and the risks that a landfill would pose to downstream environments. I do not agree with the Applicant's assessment that the proposed precinct, including the objectives, is consistent with the purpose of the RMA.
3. The Proposal would signal a fundamental change in likely future use of the site. The Proposal would make it more likely that there would be a change from a rural setting with nature occasionally being interrupted by human activities for short periods of time (e.g. forestry harvest) to permanent industrial activity. For many species and ecosystems, if those changes occurred, the effects would go beyond direct habitat losses. For example, plan change would foreshadow increased levels of noise, light and habitat fragmentation. A more permissive framework would not allow for sustainable management.
4. The Proposal has the potential to undermine efforts to engage the community and maintain and improve the Hōteu catchment, and the Kaipara Harbour. Restoration of this catchment is commencing as part of DOC's Nga Awa Programme for Priority Rivers (including 14 Stretch Goal sites), as one of seven priority catchments in Auckland Council's Sustainable Catchment Programme and as part of MfE's first named Exemplar Catchment (Kaipara Harbour) in the Healthy Waters programme.
5. I do not consider that the approach and weighting used by the Applicant to determine its preferred location for this Proposal sufficiently explore the natural values and context. The weightings appear to favour remoteness over for example, management techniques to reduce effects on sensitive receivers, which is likely to have led to the Applicants choice of a proposed location which contains significant conservation values. The creation of a landfill at this site of the scale and nature outlined in the Proposal would have significant adverse effects on conservation values. In considering alternate locations where lower conservation values may have been present it is unclear whether extension or consolidation of existing landfills was explored.
6. I note that the Proposal is for the entire site to be zoned 'landfill' which does not seem an appropriate level of detail for a site of this size (approx. 1020 ha), especially as much of the site would not be used as a landfill. For example, if Auckland Council is minded to approve the plan change, any then precinct and zoning that is assigned should be identified at an appropriate scale, and for instance exclude Natural Stream Management Areas, Wetland Management Areas and Significant Ecological Areas from 'landfill' zoning.
7. If the Applicants concern is primarily the risk of reverse sensitivity should the surrounding area become more densely populated over time then it would be more appropriate to add, for



- example, an overlay to the plan to highlight the potential extent of effects of potential activities on the site. This approach more readily aligns with sound resource management practices.
8. If granted, the use of the term 'landfill' as the precinct description may hinder other waste management related activities such as waste sorting for reuse and recycling, which may be more appropriate future uses. As drafted the Application does not indicate a future-focused approach. 148.3
  9. There does not seem to be a clear rationale for sub-precinct 2, I specifically oppose relaxing the tests that are applied to activities within waterbodies and their margins (and Natural Stream Management Areas). 148.4  
148.5
  10. I do not consider that the Proposal would promote consistency with the water quality objectives of the National Policy Statement for Freshwater Management 2014 (updated 2017) and they would not ensure sound resource management practice.
  11. I also note that the plan change provides a specific opportunity to add areas of significance to the relevant overlays within the AUP. If Auckland Council is minded to approve the plan change then it could be subject to the boundaries of the areas of ecological significance within the site being redrafted in the AUP based on ground-truthed assessments. 148.6
  12. In some instances, avoidance of adverse effects is required to protect values and should not be subject to caveats. If the plan change is granted the provisions should reflect this. 148.7
  13. I do not consider that it is appropriate for it to be at the Applicants discretion to decide whether residual adverse effects are compensated. If the plan change is granted it is unclear why the overarching provisions in the AUP, for example for ecology, are inappropriate for the proposed precinct when those provisions were robustly tested through the AUP drafting process. 148.8  
148.9
  14. I therefore do not consider that the objectives and policies proposed for this precinct promote sustainable management.

*I seek the following decision from the local authority:*

- a) That the consent authority decline the proposed plan change as it is not based on sound resource management practice unless the shortcomings identified above are addressed.

148.1

**I wish to be heard** in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

A copy of this submission has been served on the applicant.



Andrew Baucke

Director Operations

Auckland Region

Acting pursuant to delegated authority on behalf of Lou Sanson, Director-General of Conservation

Date: 26 May 2020

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

**Address for service:**

[crendall@doc.govt.nz](mailto:crendall@doc.govt.nz)

Attn: Chris Rendall, Planner

Telephone: 027 408 3526

Whare Kaupapa Atawhai / Conservation House

PO Box 10420, Wellington 6143



**Attention:** Auckland Council  
By email to unitaryplan@aucklandcouncil.govt.nz

**Copy:** Waste Management NZ Ltd  
Consultancy agent Tonkin & Taylor, Rachel Signal-Ross  
By email to rsignal-ross@tonkintaylor.co.nz

**Date:** 25 May 2020

**Submission:** Private Plan Change 42 [PPC42] by Waste Management NZ Ltd  
1232 State Highway 1 Wayby Valley

**Premise:**

Waste Management NZ Ltd (WMNZ) seeks to introduce an Auckland Regional Landfill Precinct into the Auckland Unitary Plan via a Private Plan Change request. This relates to the proposed construction and operation of a new regional landfill facility on approximately 1020 hectares land following acquisition approval from Overseas Investment Office for this purpose. Located at the above-mentioned address, between Warkworth and Wellsford, the applicant WMNZ also seeks specific provisions relating to waste management operations.

**Executive summary:**

This submission objects to the PPC42 request on behalf of Ngā Maunga Whakahii o Kaipara Development Trust [NMWoKDT]. Objection mandates were canvassed at the following meetings: 149.1

02 September 2019 - Resolution 102/6, NMWoKDT monthly meeting unanimous approval  
*“To oppose the Application for a Regional Landfill at 1232 State Highway 1, Wayby Valley”.*

28 September 2019 - Resolution at the AGM of the Registered members of Ngāti Whātua o Kaipara unanimous approval  
*“That the Waste Management New Zealand Landfill Application for Dome Valley is opposed.”*

These resolutions incorporate all applications coupled with the enablement of the PPC42 request. Ngā Maunga Whakahii o Kaipara Development trustees will speak to this submission in full objection. Support is also attributed to other Ngati Whatua nui tonu entities, community groups and concerned residents in their respective objections.



### **Land Purchase:**

WMNZ, as the Applicant, states its PPC42 is not frivolous or vexatious having completed the substance of its request proposal over two years. They also state that neither whole or part of their request has been considered by local authority or the Environment Court.

The Applicant is one of New Zealand's largest recycling and waste service companies, servicing industrial, government, and commercial customers. Its ultimate majority shareholder is the State-owned Assets Supervision and Administration Commission of the Beijing Municipality being a state-owned enterprise of that government. As a foreign interest, it is also listed on the respective foreign stock exchanges of two countries.

It operates in New Zealand through joint venture arrangements with local government for regional infrastructure projects. In this instance, the joint venture is with Auckland Council.

The Overseas Investment Office approval granted on 11 September 2018 for the land acquisition in its entirety, has a requirement of rigour assessment - ownership structure, business viability and assessment from Crown regulatory agencies (MBIE, DoC, NZTA) for the approval of the acquisition application. Much of the application was based on receiving and managing the disposal of waste as being a benefit to New Zealand's waste sector. Environmental premise was minimal. It is noted the advice of the Conservation Department was declined by Minister Sage in lieu of a beneficial walking track to be installed for New Zealand outdoor pursuits.

The land purchase approved by Overseas Investment Office for WMNZ was in isolation of the Crown's Treaty partner from within the area most affected, primarily Ngāti Whātua with its 35 marae and 19 hapu spanning the breadth of Auckland and up to Whangarei.<sup>1</sup> This is a significant failing leaving Ngāti Whātua nui tonu in a marginalised position within its own tribal area.

### **Cultural:**

Ngā Maunga Whakahii o Kaipara Development Trust [NMWOKDT] is the post settlement governance entity enabled by the Ngāti Whātua o Kaipara Claims Settlement Act (2013). It manages the assets and facilitates the interests of Ngāti Whātua o Kaipara.

---

<sup>1</sup> All marae is represented on the tribal council, Te Runanga o Ngāti Whātua who maintains its own statute. Each of the four hapu post-settlement governance entities (PSGE) are legislated under their own enabling parliamentary arts.



NMWOKDT has the mandate to speak collectively for Ngāti Whatua o Kaipara while not precluding the individual Whanau, Marae or Hapū right to speak for themselves.

- Reweti (Whiti te Ra) to the South
- Haranui (Otakanini) to the North West
- Kakanui (Te Kia Ora)
- Araparera (Te Aroha Pa) to the East
- Puatahi (Te Manawanui) to the North.

There is an inter-relationship which serves to uphold and strengthen the mana ahi kaa customs through descendancy whakapapa from wider Ngāti Whātua hapu namely Te Uri o Hau, Ngāti Rango (sometimes known as Ngāti Rongo), Te TaoU and Ngāti Whātua o Orakei. Te Rūnanga o Ngāti Whātua, its council board situated in Whangarei has an over-arching role to work with and support marae, hapu entities but not to the exclusion of them.

Ngāti Whātua as the full tribe deals with many challenges, some specific to individual hapu areas, others on a regional or metropolitan scale. There can be no confusion on who to approach as Ngāti Whatua marae with papakainga, urupa, working farms and forests are clearly visual and well documented. The significance of the Hōteō as with the Kaipara Moana is intrinsic in the cultural concerns of Ngāti Whātua hapu, marae. They are not minor.

To this end, it is considered highly inappropriate that the Hōteō and the various Kaipara Harbour tributaries that are rich in resources and are only described only as 'receivers' in the PPC42 request document. Hōteō Awa runs through our tribal area and it carries the classification as a Significant Ecological Area (SEA) with its outstanding natural features and has natural stream management areas already listed in the Auckland Unitary Plan.

The work of many kaitiaki in terms of grounds, research and water quality cannot be undone. Hapu, marae kaitiaki work together to ensure the morphology of the Kaipara catchments including rivers and tributaries are not further compromised.

Ko āna takutai, moana hoki ō Kaipara he ipu kai

“Kaipara - the Moana, its shores and its hinterland is the food bowl.”



### **Areas of Interest:**

It is therefore disappointing that the selective nature of the AEE document for this PPC42 request, Page 105, Section 9 states,

*“Recognition and support from government, local authorities, organisations, corporations and community that Ngāti Manuhiri are Mana Whenua with customary title/rights to the waterways.”*

As highlighted in the previous section, we draw attention to the Ngāti Whātua o Kaipara Claims Settlement Act 2013 (Settlement Act).

Both WMNZ and Auckland Council have failed to undertake best practice consultation and engagement by seemingly being selective, based on favourability or not of initial feedback, in their engagement processes resulting in inadequate information on cultural and other effects of the PPC42 request. This negates the Treaty imperatives and detracts from the intent of the RMA considering the responses of Manawhenua hapu, iwi in good faith. This is further explored in the next section. Refer Maps 1 & 2.

Equally it is also lax to state there are no sites of significance without having engagement with Ngāti Whātua tribal constructs and merely referring to the publicly available database within the proposed precinct as this does not negate their presence.

### **Environmental Effects:**

There is no longer any level of acceptance for increased loss and the destruction of the life sustaining mauri life force in Kaipara Moana catchments. The rezoning of Rural Activity Zone to a proposed Precinct would allow the hearing of the bundled consents associated with the construction, and continued operation of a regional landfill.

The summarised reasons listed in the PPC request are numerous describing the core business for WMNZ in a commercial sense to continue operations however Clause 22 outlines the required form of the request in terms of any specific environmental effects *anticipated to be limited to any assessment of any effects arising from the amendments to the planning provisions proposed by the request*. This is a restrictive measure of the RMA stating that such environmental effects are separate to cultural implications for papatuanuku, awa and moana. These cannot be seen in isolation. To that end, the PPC42 request does not promote sustainable management and is inconsistent with Part 2 RMA. Should the plan change request be approved, it will result in adverse effects impacting on:



- (a) the s6(e) RMA relationship between nga marae e rima represented by NMWoKDT and their culture and traditions, whanaungatanga and tikanga over their ancestral lands, waters, sites, wāhi tapu and taonga.
- (b) Adverse effects to the exercise of kaitiakitanga by NMWoKDT and kaimahi kaitiaki who work within the Hōteō Awa with Landcare Research Manaaki Whenua and Integrated Kaipara Harbour Management Group.
- (c) Breach of principles of Te Tiriti o Waitangi (including rangatiratanga, kaitiakitanga and the real-time currency of active duty to protect taonga).

The PPC42 request implications are more than minor, including significant, actual, and potential adverse effects to the environment. These include:

- Adverse cultural effects to Ngāti Whātua o Kaipara and the related cultural landscape involved.
- The rāhui instituted by Te Rūnanga o Ngāti Whātua in support of hapū, marae and communities in opposition to the plan change to allow for the landfill.
- Intergenerational impacts including future generations impacted by the long-term landfill legacy and adverse biodiversity effects.
- Impacts on freshwater and risk of discharged contaminants to Hōteō River and Kaipara Moana while also affecting the SEA and NSMA areas.
- Contaminants discharged to water, land, and air (and unacceptable risk of discharge) causing adverse impacts to Papatūanuku and mauri.
- Over 15.4 kms of significant stream diversions and reclamations
- Risk of leachate (water and landfill gas)
- Climate change and greenhouse gas emissions
- Landscape and natural character impacting on intrinsic values, amenity, and quality of environmental
- Traffic generated by the proposal as notified in s92 Response and NZTA Project Plans already including the landfill entry/exits as part of its designations for the corresponding roading infrastructure of SH 1.

This is not a minor project given the ownership, OIO approval that went against the Crown's Environmental Conservatory agency, omitted Te Tiriti o Waitangi partnership imperatives and is now being supported by central government agencies to continued exclusion of hapu, iwi and the wider public communities most affected.



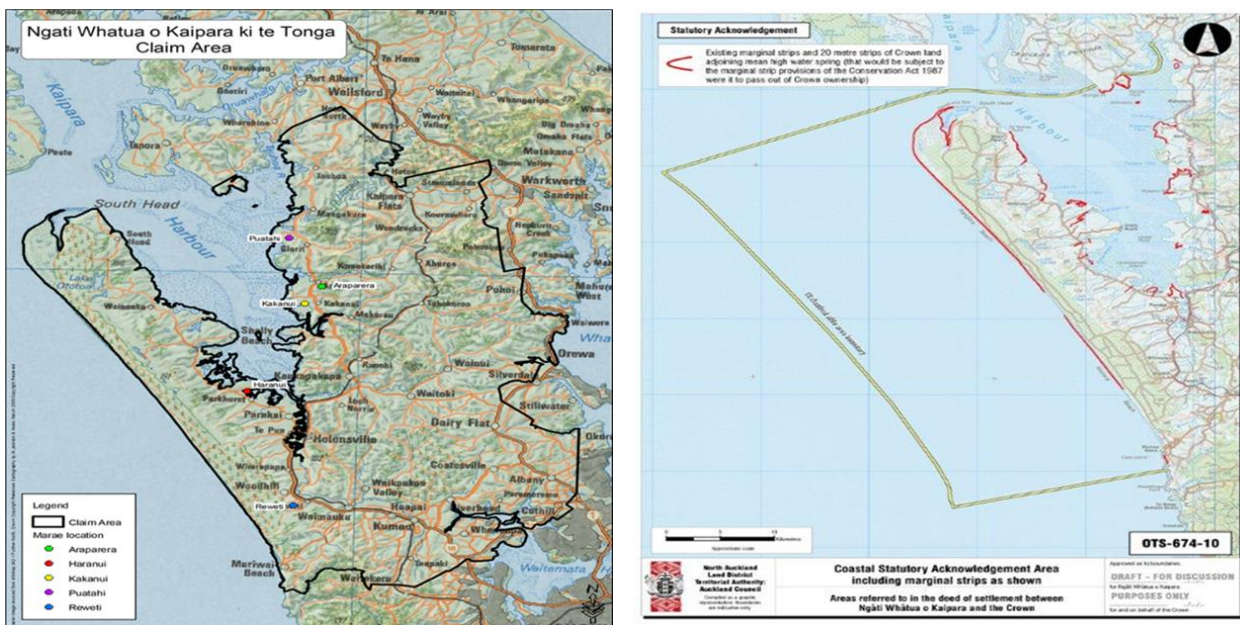


In failing the relevant statutory tests in s32, s32AA and 1<sup>st</sup> Schedule RMA, the purpose of the RMA is negated. The PPC42 request fails to adequately assess the relevant effects on the environment, benefits and costs, efficiency and effectiveness, relevant alternatives, consultation and information gathering, proportionate to the scale and significance of the proposal, which involves a regional-scale, permanent, landfill operation.

There are other appropriate options for achieving the objectives and policies of the Unitary Plan; and there are other reasonably practicable options and alternatives. To that end, the PPC42 request fails to address the following:

- (a) alternative methods and sites that result in more appropriate long-term outcomes for the region.
- (b) relevant benefits and costs.
- (c) uncertainties and risks.
- (d) alternative locations, reduced intensity, and scale.

Map 1: Ngāti Whātua o Kaipara Claims Settlement Act 2013 Rohe



Map 2: Ngāti Whātua o Kaipara Claims Settlement Act 2013 Statutory acknowledgement area on deed plan OT-674-10.

**Baseline of Objections:**

Combined with the points of objection made in the before-mentioned sections, the impact on the mana of Ngāti Whātua o Kaipara as being part of the wider Ngāti Whātua uri is huge and inter-generational.





Te Ao Māori calls for the protection and preservation of all that is culturally significant, to protect and preserve our taonga resources using not only Mātauranga Māori but also western sciences. There is a reciprocal legacy owed to all generations and this lies in the balance.

- The environment and ecosystems are imbued with mauri, the intangible and lifegiving force that connects all things. Any shift to the mauri of the whenua, the Hōteō and ultimately Kaipara Moana means a shift to us all. We seek to uphold our real-time active kaitiakitanga within our rohe by not being marginalised by uninformed process.
- The risk potentially to our taonga of changing from a rural production zone to a Landfill Precinct for the location and purpose of a landfill operation in the catchment.
- The cultural health, physical and spiritual elements, the whakapapa are the driving force behind our objection to a change in zoning as per the PPC request. This is entwined with our most sacred taonga the Kaipara Moana and its catchment, which includes the Hōteō Awa. Kaipara Moana shapes and grounds Ngāti Whātua o Kaipara hapū tikanga and values. Our haukainga hapu, marae communities surround Kaipara Moana will be affected.

#### Specific Effects:

- We oppose due to the impact it would have on the environment which would not be limited to only within the Landfill Precinct but cause risk on a wider scale to Hōteō and ultimately Kaipara Moana.
- Timing objection: WMNZ has chosen this time as it is thwart with the Covid-19 lockdown period and post-Covid working environment and amid the Resource Management Act 1991 review giving the directions to reduce complexity, increase certainty, restore public participation opportunities, and to improve the Act's processes on the urgent need to improve freshwater management and outcomes in New Zealand.
- Site Suitability objection: The hydrology and geological reports accepted by WMNZ are contrary to the Auckland Councils own reports relating to the Warkworth Structure Plan and to NZTA Ara Tuhono with reference to challenging land formation.
- As before-mentioned the site suitability in terms of the current Wellsford Town Water Supply is from the Hōteō and Warkworth from the Aquifer in the vicinity of Wayby Valley. Long term the Wellsford Aquifer will likely need to be the source of Water for Wellsford. Having the area rezoned and a Landfill placed within the catchment does not give effect to the duty of care for the health and wellbeing of the residents.



- A change in zoning would pave the way for risk to the Hōteo and Kaipara Moana, undoing the efforts to restore the catchment. Much investment in time, money and effort has been made by Auckland & other Council's, business, organisations, communities and hapu, iwi over the past fifteen years to restore<sup>2</sup> the wide catchment of the Kaipara, to repair the damage done over the past 150 years.

This work includes the current Auckland Council Healthy Waters & Ministry for the Environment 2 Million Dollar investment in the Kourawhero Sediment Reduction Project, adjacent to the Wayby Valley. The work of restoration has been necessary to counter the undeclared impacts of certain land use activities of the human footprint.

Equally the sense of the recent Budget allotting significant monies to the restoration of the Kaipara and its tributary rivers while on the other hand, supporting the first and largest precinct for landfill purposes in the country above one of the main tributary rivers to the Kaipara Moana. This beggars belief on the type of contradictory decision-making made in isolation and gives Ngāti Whātua o Kaipara hapū no confidence or reassurance.

- Further in objection, a zone change would then allow numerous regional landfill applications to be heard as part of the precinct zone concept which will also perpetuate the contrary directions to the Waste Minimisation Act 2008 and the Council's own Climate Action Framework.
- Increased traffic objection: WMNZ states in its traffic movement of its truck fleet that traffic into Dome Valley is predicted to arrive from and depart to the south in lieu of a closed Redvale landfill from 2026. The PPC42 request supporting AEE states that the waste truck movements during the day to and from the north<sup>3</sup>, is expected to be modest like the volumes currently accessing the Redvale Landfill. Equally, the potential for waste operators in the Mangawhai area to travel to Wayby Valley Road is also a reality. Therefore, closer scrutiny should be given as the perimeters around this, based on the assumption that the 'small northern population base' will remain. It is not destined to stay small going forward.
- The lack of recognition of the likely impacts of leachate in extreme weather events resulting from climate change shows incomplete information. The PPC42 request does not give due regard to the existing unique rainfall in the Dome Valley and the potential of more intense storm effects in the future due to changing weather patterns. This relates to both Water and Land components.

<sup>2</sup> IKHMG (2010). The World of Kaipara. Information Review and Gap Analysis. Prepared by Leane Makey. Supporting edits provided by Juliane Chetham, Dr Shaun Awatere, Dr Mark Morrison, Craig Pratt, Alison Stillwell, Dr Mark Bellingham, Celina Garcia, Jane Sherard. IKHMG is now recognised with the Kaipara Moana initiations inter-hapu and wider community with central & local government authorities.

<sup>3</sup> S92 Responses report 2.2 Item 111, pg. 2



The potential for damaging leachate to escape the site is not guaranteed to us nor is it being eliminated as a risk. We cannot knowingly risk a repeat of Fox River<sup>4</sup> with Hōteoa Awa and the Kaipara Moana.

**Alternatives to Landfill:**

- The Auckland Council had the Climate Action Framework consulted on with public in 2019. Titled “Te Tāruke ā Tāwhiri”, it was prepared as part of the Councils’ commitment to moving to Zero Carbon and the Restoration of our Environment. This needs to be enacted as it aligns to the earlier Auckland Council Low Carbon Strategic Action Plan July 2014 stating an aim to issue no new landfill consent unless there were no alternatives. This acknowledges the move to offer alternatives to landfill and going forward, working toward a real-time scalable Zero Waste/Waste to Energy Plants.
- It is disappointing that WMNZ has chosen to apply for a PPC42 request aligned to bundled consent applications to establish a landfill facility instead of looking actively toward using investment for alternative technology. To this degree, Ngā Maunga Whakahii o Kaipara Development Trust objects because the PPC request negates any shift, short or long-term, to alternative technologies.

In speaking our submission, I and/or the delegated trustees supported by Pou Whakahaere Shona Oliver will be available to present to the panel.

Should you have any queries, feel free to contact the writer in the first instance by email, [jane@kaiparamoana.com](mailto:jane@kaiparamoana.com) or Shone Oliver at our Taia Ao office [tetaiao@kaiparamoana.com](mailto:tetaiao@kaiparamoana.com)

---

<sup>4</sup> The Fox River Waste Disaster 2019 in addition to Tolaga Bay Floods 2018 and Matata Floods 2005, all examples where humans could not compete with nature.



This page is deliberately blank

The following customer has submitted a Unitary Plan online submission.

### Contact details

Full name of submitter: Hayley Gillespie

Organisation name:

Agent's full name: Hayley

Email address: [hayleygillespie@live.com](mailto:hayleygillespie@live.com)

Contact phone number:

Postal address:  
157b Paritai Drive  
Orakei  
Auckland 1071

### Submission details

**This is a submission to:**

Plan modification number: Plan change 42

Plan modification name: PC 42 (Private) Auckland Regional Landfill Wayby Valley

**My submission relates to**

Rule or rules:

I do not wish to see the proposed landfill come to fruition

Property address: Dome Valley proposed landfill

Map or maps:

Other provisions:

Do you support or oppose the provisions you have specified? I or we oppose the specific provisions identified

Do you wish to have the provisions you have identified above amended? Yes

The reason for my or our views are:

I care about the future of our place. In particular i am well versed in the effects of pollutants including waste, runoff and exotic deciduous trees on fresh water streams, rivers, catchments and the ultimate impact on our harbour and ocean

I or we seek the following decision by council: Decline the plan modification

Submission date: 26 May 2020

Supporting documents  
Submission - Dome Valley.pdf

## **Attend a hearing**

Do you wish to be heard in support of your submission? No

## **Declaration**

Could you gain an advantage in trade competition through this submission? No

Are you directly affected by an effect of the subject matter of this submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

No

I accept by taking part in this public submission process that my submission (including personal details, names and addresses) will be made public.

I believe the landfill poses multiple high impact risks to the environment, particularly the Hotoe River and Kaipara Harbour, and to the community. I have highlighted on the following pages my personal areas of concern. Particularly around leeching of micro plastics and other pollutants, leading to the degradation of our waters, loss of wildlife and (least importantly) the effects of all of this on our environment long term – far beyond the years we can see ahead.

My primary frustration is the lack of foresight demonstrated. Putting a landfill here is simply unacceptable practice, whether it is to impact you in your lifetime or not. While my preference is a solution at the beginning of the chain (ie. Waste taxes or national policy against waste product) the below showcases issues which I believe can be considered now.

The site **does not align with the Resource Management Act**, the Unitary/Regional Plans of the area, and to the Waste Industries own landfill siting criteria.

As witnessed with the Rotorua landfill court case and allegations of leaked discharges due to major weather events and the recent Fox Glacier landfill disaster the placement of this landfill in an unsuitable location is likely to lead to cost ratepayers in the area for the clean up.

This submission is being made because of **an immediate risk** to surrounding environments, people and businesses by this proposed landfill. Due to nearby extensive waterways, native and threatened species and ecosystems, and local communities in the proposed landfill area, there is clearly a lack of regard for protecting the land and its people from the far-reaching and long-lasting impacts of landfills by this proposal.

**The land includes waterways, this is what I consider the major issue** - tributaries to the Hotoe River which lead into the Kaipara Harbour which is the beginning of the marine food chain, and a significant breeding ground for snapper, oyster and other species. Endangered Maui dolphin feed at the harbour entrance, and Fairy Terns inhabit the area. The forest on the site and neighbouring Department of Conservation reserve contains native and threatened flora and fauna. The land purchased also includes wetlands, flood plain, springs/tomos and a fresh-water aquifer, and a fresh water supply is nearby.

**Increased sedimentation** caused by soil movement in wind and rainfall once loosened from excavations and daily dirt layers on the landfill and loss of trees holding soils in place, causing change in the colour or visual clarity and significant adverse effects on aquatic life. Sediments will become more transportable from development and operational processes, spreading it into waterways causing;

- decreased water quality (impacts species and community water supply).
- decreased light (impacting efficiency and ability for photosynthesis).
- negative effects on feeding by fauna (particularly filter feeders). o cascading effects through the environment and aquatic ecosystems, including vulnerable and threatened wetlands in the area.

**Unknown events** Even though modern landfills have improved engineering standards compared to historic landfills, there still remains the ‘unknown event’ to cause a failure. Whether this is due to climate change, environmental events of intense rainfall, earthquake, tsunami, etc., human error, product failure, or changes to site stability, the waste industry themselves cannot guarantee that their liner will never breach.

**Health** – there are extensive health risks associated with landfills during operation and once closed which would likely impact our local community. Leachates and rubbish spread through the environment will bring with them bacteria, carcinogens, toxins, substances that will have adverse health impacts on those;

- who come in contact with them.
- who consume infected flora and fauna.
- who consume affected seafood or any part of the food chain.

### **The Kaipara Harbour represents 90% of the North Islands Snapper Hatchery**

**Underground freshwater springs** – the area is called “Springhill farm” for a reason, and this landfill would likely cause significant adverse effects on the water table via these springs.

Leachates will be generated and transported easily through aquatic systems from discharges from the landfill, particularly during high rainfalls. Leachates are dissolved toxic compounds produced through the landfill process. All landfills are known to release leachates into the soils and surrounding areas despite any riparian plantings both during operation and after closure. These leachates can remain in the soil and mud for many years, and have many adverse impacts on the environment such as:

- **contamination of habitats.**
- **causing damage to and loss of species**
  - directly through consumption.
  - indirectly through impacts on processes in the ecosystem.
- **degradation of water quality**
  - for species.
  - of the local water table.
- **spreading through the food chain**

Leachates from landfills change overtime as well, so the future of the area, particularly the Hotoe River and Kaipara Harbour will be at risk long after the landfill closes as well. Considering the huge importance of the Kaipara Harbour to our country’s internal and exported seafood industry, this is a major concern. Exports of snapper are currently worth \$32 million annually.

**Microplastics** will be produced through the breakdown of rubbish over time in the landfill (including after closure of operation of the landfill, and after the enforced aftercare period of usually 30 years) and easily spread into the surrounding waterways rendering fresh water unsuitable for consumption by farm animals and causing significant adverse effects on aquatic life.

When microplastics are consumed by fish, for example, they leech into the flesh, which we then eat. The plastics are filled with carcinogens which have an immediate health impact on humans. Not to mention the effect they have on animals as aforementioned under ‘health’.

Microplastics are a huge and growing issue globally that travel easily and cause many issues.



Ultimately, I believe the decision to allow landfill in this location or anywhere with similar geography is simply irresponsible and unacceptable. It does not lend itself to any future improvements we need to make in accordance with policy such as the Zero Carbon Act. This movement shouldn't be allowed to proceed.