

Auckland Unitary Plan (Operative in Part)

Joint notification of an application for Resource Consent and Private Plan Change 42 Auckland Regional Landfill Wayby Valley.

Auckland Council has accepted for notification a Private Plan Change request to the Auckland Unitary Plan (Operative in Part) ('the Unitary Plan') from Waste Management New Zealand Ltd ('WMNZ') under Schedule 1 to the Resource Management Act 1991 ('RMA'), as well as a Resource Consent application that is being notified under Section 95A of the RMA.

The Proposal:

WMNZ is seeking to obtain Resource Consents for the construction and operation of a new regional landfill facility within the Wayby Valley area, between Warkworth and Wellsford. The landfill will be a Class 1 landfill, being one that accepts municipal solid waste, which includes residential and commercial waste, construction and demolition waste, some industrial wastes (that meet strict acceptance criteria) and contaminated soils. The landfill would not accept loads of hazardous waste.

In a separate process, WMNZ are also seeking a Private Plan Change to include a new precinct within the Unitary Plan that would provide for (subject to a consent process) the Auckland Regional Landfill by way of specific identification and plan provisions.

Two separate processes:

While both the Resource Consent application and Private Plan Change request 42 deal with the same overall matter, being a regional landfill on the subject property, they are quite different and separate legal processes. The Resource Consent process assesses a specific and detailed proposal for a landfill. If granted the landfill could then begin to be established on the site.

In contrast, the Private Plan Change is a higher-level process that sets up a framework in the Unitary Plan to identify on the planning maps the site for a potential landfill. If approved, the Private Plan Change would not directly enable a landfill to be established (a further resource consent would be required as the proposed precinct is currently worded). The Private Plan Change would set up the plan provisions that a future new or altered landfill Resource Consent would be assessed against.

It is important to note that the Resource Consent application currently being processed will be assessed against the current Unitary Plan provisions rather than Private Plan Change 42. The Private Plan Change provisions have no legal effect until they are made operative.

How to lodge a submission:

The following persons may make a submission on the proposal:

- The local authority in its own area may make a submission; and
- Any other person may make a submission but, if the person could gain an advantage in trade competition through the submission, then the person may make a submission only if the person is directly affected by an effect of the proposal that –
 - adversely affects the environment; and
 - does not relate to trade competition or the effects of trade competition.

You may lodge a submission on any part of the Resource Consent application or Private Plan Change request 42. **Submissions close on 26 May 2020**, being 40 working days following notification. This is double the normal submission period in recognition of the large amount of information that has been provided by WMNZ.

The Resource Consent application and Private Plan Change request 42 are two separate legal processes, so if you wish to submit on both processes you must lodge **two separate submissions**.

To make a submission on the Resource Consent application:

- By using the electronic form on the Auckland Council website www.aucklandcouncil.govt.nz/notifiedresourceconsent; or
- By email to: premiumsubmissions@aucklandcouncil.govt.nz; or
- Lodging your submission in person at Auckland Council, Libraries or offices

A submission must state whether or not you wish to be heard in relation to your submission. Copies of a standard submission form are available to download at www.aucklandcouncil.govt.nz/notifiedresourceconsent

To make a submission on Private Plan Change 42:

You may make a submission by sending a written or electronic submission to Auckland Council at:

- Auckland Council, Unitary Plan Private Bag 92300, Auckland 1142, Attention: Planning Technician, or
By using the electronic form on the Auckland Council website at <http://www.aucklandcouncil.govt.nz/planchanges>; or
- By email to: unitaryplan@aucklandcouncil.govt.nz; or
- Lodging your submission in person at Auckland Council, Libraries or offices.

The submission must be in Form 5 and must state whether or not you wish to be heard in relation to your submission. Copies of this form are available to download at <http://www.aucklandcouncil.govt.nz/unitaryplan> or can be collected from any Library or Council office.

Process for public participation:

The process for public participation on the **Resource Consent** application is as follows.

- after the closing date for submissions, a resource management planner appointed by Auckland Council will prepare a report summarising the matters raised in submissions, and make a recommendation, informed by a range of reports prepared by Council-appointed technical experts, whether to grant or decline consent having had regard to the provisions of the RMA;
- if a person making a submission asks to be heard in support of their submission, a hearing must be held;
- Auckland Council must give its decision on the application within 15 working days of the hearing being closed, and serve a copy on every person who made a submission; and
- any person who has made a submission has the right to appeal the decision on the resource consent to the Environment Court.

The process for public participation in the consideration of the proposal under the RMA on the **Private Plan Change** is as follows:

- after the closing date for submissions, Auckland Council must prepare a summary of decisions requested by submitters and give public notice of the availability of this summary and where the summary and submissions can be inspected; and
- there must be an opportunity for the following persons to make a further submission in support of, or in opposition to, the submissions already made:
 - any person representing a relevant aspect of the public interest;
 - any person who has an interest in the proposal greater than the general public has;
 - the local authority itself; and
- if a person making a submission asks to be heard in support of his or her submission, a hearing must be held; and
- Auckland Council must give its decision on the provisions and matters raised in the submissions (including its reasons for accepting or rejecting submissions) and give public notice of its decision within 2 years of notifying the proposal and serve it on every person who made a submission at the same time; and
- any person who has made a submission has the right to appeal the decision on the proposed plan modification to the Environment Court if-
 - in relation to a provision or matter that is the subject of the appeal, the person referred to the provision or matter in the person's submission on the proposal; and
 - in the case of a proposal that is a proposed policy statement or plan, the appeal does not seek the withdrawal of the proposal as a whole.

John Duguid, General Manager – Plans & Places & Ian Smallburn, General Manager – Resource Consents

Notification date: 26 March 2020