

UNITARY PLAN UPDATE REQUEST MEMORANDUM

TO Warren MacLennan, Manager Planning, Regional, North, West and Islands

FROM Jo Hart, Senior Policy Planner, Regional, North, West and Islands





DATE 20 July 2021

SUBJECT **Alteration to a Designation in accordance with section 181(3) of the Resource Management Act to the Auckland Unitary Plan (AUP) Operative in part (15 November 2016)**



This memorandum requests an update to Auckland Unitary Plan Operative in part

Reason for update – Alteration to designation 425				
Chapter	Chapter K Designations AUP GIS viewer			
Section	Schedules and Designations – Auckland Council			
Designation only				
Designation #425	The Concourse Solid Waste Baling Station			
Locations:	50 The Concourse, Te Atatu			
Lapse Date	Given effect to (i.e. no lapse date)			
Purpose	Solid Waste Baling Station.			
Changes to text (shown in underline and strikethrough)	Amend the Auckland council North and West Designation Schedule as follows: <table border="1" data-bbox="794 994 1386 1155"> <tr> <td>425</td> <td>Solid waste baling station <u>Waitākere Resource Recovery Park</u></td> <td>50 The Concourse, Te Atatu <u>Henderson</u></td> </tr> </table> <p>Amend designation text as per Attachment B.</p>	425	Solid waste baling station <u>Waitākere Resource Recovery Park</u>	50 The Concourse, Te Atatu <u>Henderson</u>
425	Solid waste baling station <u>Waitākere Resource Recovery Park</u>	50 The Concourse, Te Atatu <u>Henderson</u>		
Changes to diagrams	N/A			
Changes to spatial data	Alteration to the designation boundary to include additional land at 56 The Concourse, Henderson.			
Attachments	Attachment A: s181 Report Attachment B: Amended conditions Attachment C: Updated text Attachment D: Updated GIS Viewer			

Prepared by: Jo Hart Senior Policy Planner	Text Entered by: Harry Barnes Planning Technician
Signature: 	Signature: 
Maps prepared by: Shelley Glassey Senior Geospatial Specialist	Reviewed by: Eryn Shields Team Leader
Signature: 	Signature: 

Signed off by:

Warren MacLennan
Manager Regional, North, West and Islands
Planning

Signature:



Warren MacLennan.

Attachment A: s181 Report

Notice of requirement for a minor alteration to a designation under section 181(3) of the Resource Management Act 1991



Notice of requirement description

Designation number:	Designation 425: Solid Waste Baling Station
Requiring authority:	Auckland Council (Waste Solutions)
Site address:	50 The Concourse, Henderson

Summary

Auckland Council, as the territorial authority, has received a request, on 24 May 2021, from Auckland Council – Waste Solutions, as the requiring authority, under section 181(3) of the Resource Management Act 1991 (RMA), on 24 May, to alter Designation 425: Solid Waste Baling Station.

After undertaking an assessment of the notice of requirement, it is considered that the proposed alteration meets the statutory tests of section 181(3) of the RMA and can therefore be processed and approved as a minor alteration.

Recommendation

1. That the proposed alteration of Designation 425: Solid Waste Baling Station in the Auckland Unitary Plan be **approved**, subject to the amended conditions (Attachment A) for the following reasons:
 - the alteration involves no more than minor changes to the effects on the environment associated with the use of the land
 - the alteration involves only minor changes to the boundaries of the existing designation
 - Auckland Council is the landowner of 50 The Concourse Henderson, and has an easement over the additional land, to be included within Designation 425, at 56 The Concourse, Henderson
 - Written notice of the proposed alteration has been given to, and the associated agreement received from, owners and occupiers of land directly affected by the alteration.
 - both the requiring authority and Auckland Council agree with the alteration.
2. That the text for Designation 425: Solid Waste Baling Station is amended in Chapter K: Designations in the Auckland Unitary Plan (Operative in part).
3. That the GIS viewer maps be amended to reflect the minor change to the boundary of Designation 425.

1. Background

The Waitākere Refuse and Recycling Transfer Station (WRTS) is located at 50 The Concourse, Henderson. It opened in 1980 as a baling station processing waste for removal to landfill.

Designation 425 was rolled over from the legacy Auckland Council District Plan (Waitākere Section) 2003 as part of the Proposed Auckland Unitary Plan (PAUP) process without modification.

The Notice of Requirement (NoR) applies to two sites. The first site consists of 59,860m² of land at 50 The Concourse, Henderson, which is owned by Auckland Council. The second site consists of 808m² of land at 56 The Concourse, Henderson. This site is owned by Watercare Services Limited (WSL). Auckland Council holds an easement over the 808m² of land at this site, which is subject to this NoR.

1.1. Minor alteration to a designation

Auckland Council has received a notice of requirement (NoR) for an alteration to a Designation 425: Solid Waste Baling Station (50 The Concourse, Henderson) from the Auckland Council's Waste Solutions department under section 181(3) of the RMA.

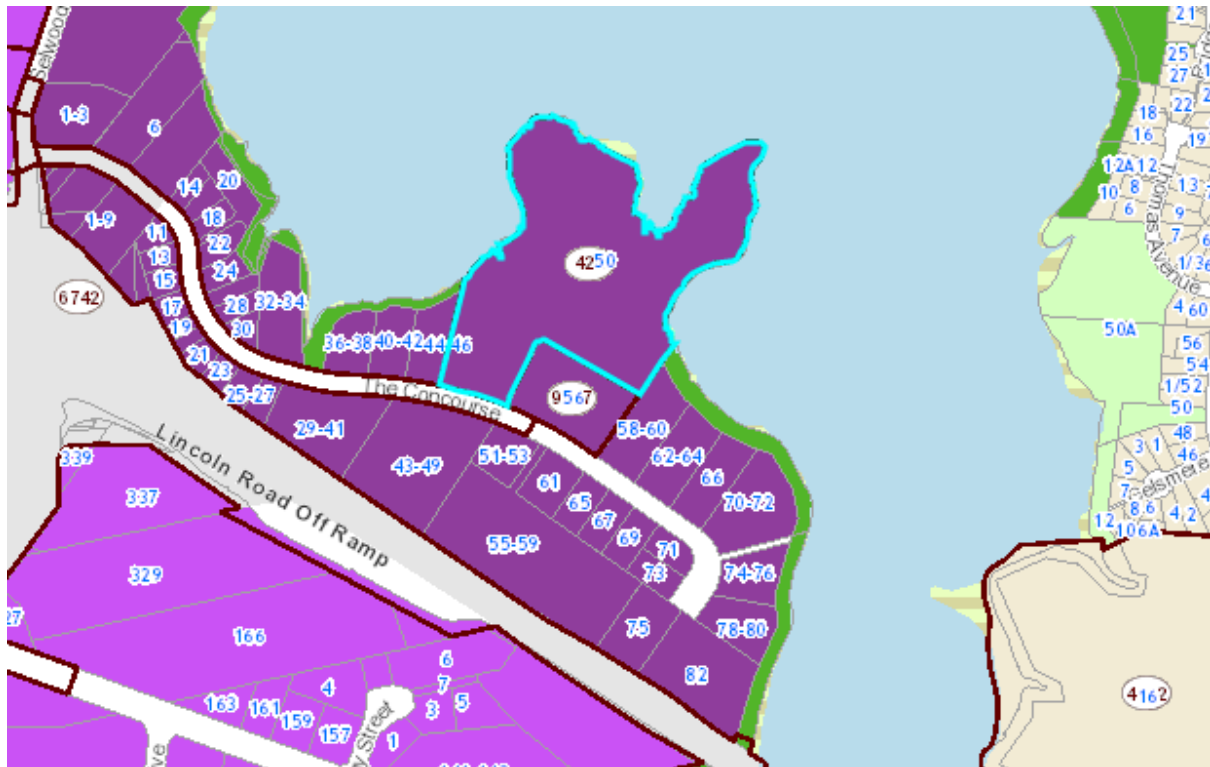
The works currently authorised by Designation 425 is the operation of a waste baling station. The changes requested under this NoR are as follows:

- change the purpose of the designation from a “Solid Waste Baling Station” to “Resource Recovery Park that maximises the diversion of waste from landfill. This includes all activities and auxiliary activities associated with waste minimisation, resource recovery, reuse, and waste management including:
 - separation of reusable, recyclable materials and green (or organic) waste
 - consolidation of commercial and residential waste
 - consolidation and site storage of hazardous waste
 - sale of reusable and recyclable materials/items
 - upcycling
 - co-location of businesses using recovered materials
 - waste minimisation education
 - innovation, including testing and implementing new technologies and processes to minimise waste and maximise resource recovery”.
- extend the boundary of the designation to incorporate an additional 808m² of land at 56 The Concourse, Henderson

- remove Condition 1 of the designation which refers to the Auckland Council District Plan (Waitākere Section) 2003 which is no longer operative.

1.2. Land affected by the alteration

The land affected by the alteration to the designation is located at 50 and 56 The Concourse, Henderson. The existing boundary of Designation 425 is shown below in Map 1.

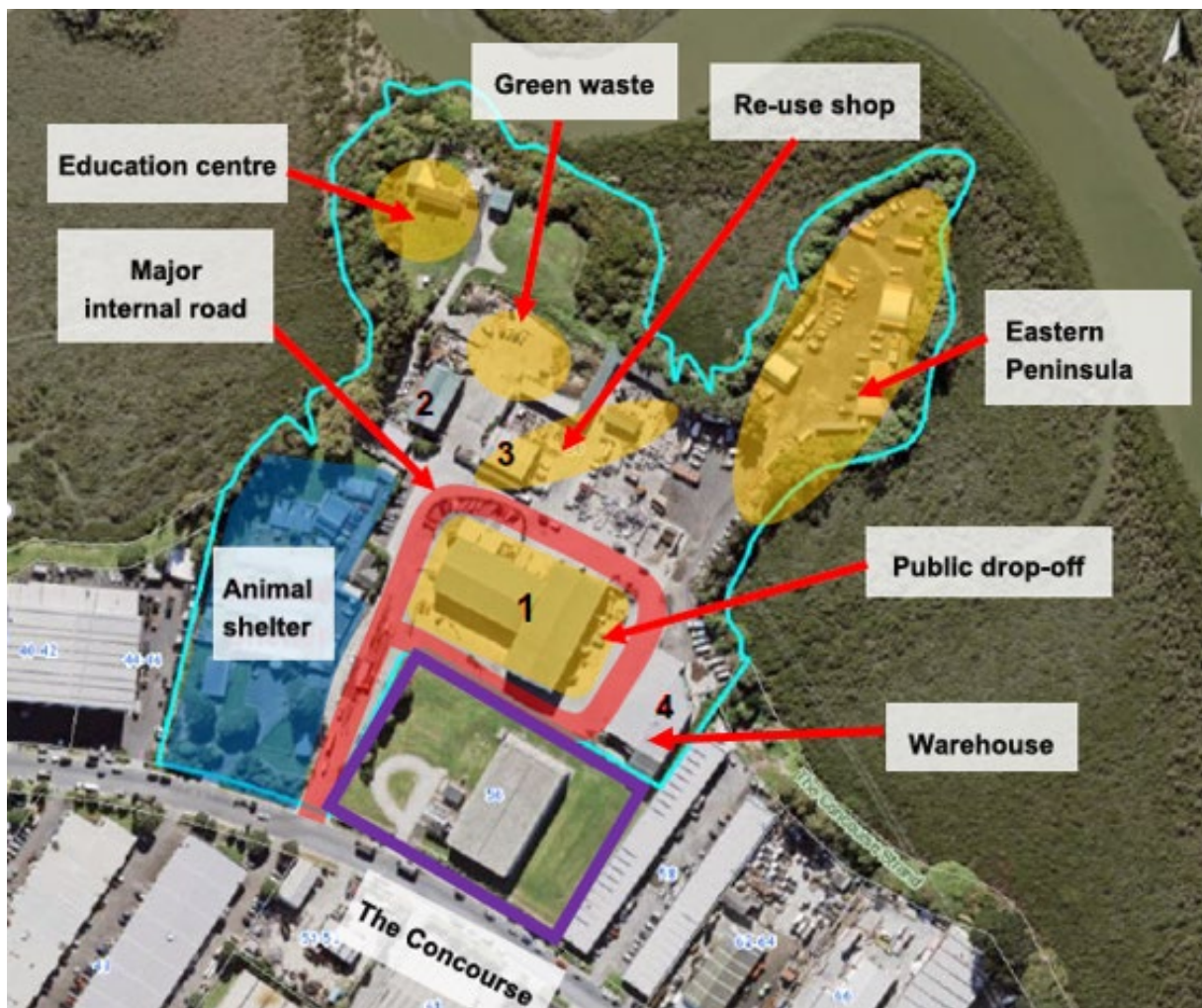


Google maps shows a new vehicle access crossing and a hard gravelled area containing stacked wooden pallets. A site visit, on 14 June 2021, confirmed this.

The existing layout and proposed layout of 50 The Concourse, Henderson, is shown below in Maps 2 and 3.

Existing layout

The existing layout is shown below in Map 2. The WRTS site has four main buildings which are used for different purposes: (1) processing refuse, (2) disassembling larger items and upcycling, (3) a retail shop, and (4) and overflow/storage area.



Map 2 Existing site layout. Watercare site is outlined in purple (Notice of Requirement and Assessment of Effects on the Environment, Beca Ltd).

Proposed layout

The proposed layout is shown below in Map 3. This shows the new access road across 56 The Concourse, Henderson, a modified internal road, and the relocation of the public drop-off area and reuse shop (and its associated parking).



Map 3: Proposed site layout (Transport Assessment Report, Beca Ltd).

1.4. Description of the works

Section 4 of the AEE provides a description of the proposed works. In summary, the proposed alteration includes:

- an amendment to the purpose to better align the current and proposed activities on the site

- an alteration to the designation boundary
- the removal of existing conditions which refer to provisions of the legacy Waitākere City District Plan that are no longer operative.

1.5. Alteration of the designation purpose

Section 4.1.1 of the AEE addresses the reasoning for seeking an alteration to the existing purpose of Designation 425.

As described in Section 2.1 of the AEE, the role of the WRTS has grown from its original purpose of processing waste for removal to landfill. The AEE, on page 4, states:

Since opening, the WRTS has grown to deliver a wide range of resource recovery and recycling activities. Currently the WRTS diverts 15 streams of waste from landfill. This includes steel, green waste, wood, paper, hard and clean fill, tyres and household items. Waste is recovered for re-use, re-purposing, and recycling. Additional activities onsite supporting this service include a reuse shop, which sells recovered resources to the wider public, and an education area that is used by community groups and schools in relation to how the repurpose and rethink waste as a resource, demonstrating practical ways to create a zero waste future’.

As also described in Section 2.1. of the AEE, the activities of a Resource Recovery Park (RRP) are broader than the current purpose of the designation. The requiring authority is seeking the following amendment to the purpose:

Purpose

~~Solid Waste Baling Station~~

Resource Recovery Park that maximises the diversion of waste from landfill. This includes all activities and auxiliary activities associated with waste minimisation, resource recovery, reuse, and waste management including:

- separation of reusable, recyclable materials and green (or organic) waste
- consolidation of commercial and residential waste
- consolidation and site storage of hazardous waste
- sale of reusable and recyclable materials/items
- upcycling
- co-location of businesses using recovered materials
- waste minimisation education
- innovation, including testing and implementing new technologies and processes to minimise waste and maximise resource recovery.

Comments:

I agree with the requiring authority's amendment to the purpose. The amended purpose better reflects the current activities, and provides for future activities, on the site. It also aligns with the objectives of the requiring authority (refer to Section 2.1.1 of this report for further discussion).

1.6. Proposed alterations to conditions

The requiring authority is seeking the removal of all of Condition 1 as shown below:

1. *Subject to the following parts of the Auckland Council District Plan (Waitakere Section) 2003:*
 - a. *All relevant Natural Area Rules;*
 - b. *City-Wide Rules of the Plan relating to noise standards, natural hazards, hazardous facilities and contaminated sites, and heritage; and*
 - c. *All relevant Human Environment Rules relating to noise, air discharges and odour, dust, glare and vibration.*

The AEE, on page 11, states:

This condition is now out of date as the Auckland Council District Plan (Waitakere Section) 2003 is no longer operative. Waste Solutions seeks to remove this condition. The matters Condition 1 seeks to control will be appropriately dealt with through the Outline Plan process required by Section 176A of the RMA.

Comments:

I agree with the requiring authority in regard to the removal of all of Condition 1.

Some of the aspects of Condition 1 relate to effects that would require, where relevant, regional resource consents. These effects include air discharges, odour, dust, and contaminated sites. Section 4.2 of the AEE addresses the other approvals required to operate or undertake works on the site. I do not consider that it is appropriate for the designation conditions to refer to the regional provisions of the AUP(OP).

However, I do consider that conditions should be added to Designation 425 where the effects are dealt with at a district plan level such as noise and heritage/archaeology. This seems to be the intent of the existing, albeit no longer operative, condition. I consider this is relevant given that Auckland Council is the requiring authority in this case. This consideration would be expected, at a minimum, of other requiring authorities.

A draft set of amended conditions was forwarded to Waste Solutions on 22 June 2021 (refer to Attachment B). A response, received on 25 June 2021, confirmed that Waste Solutions 'finds these conditions acceptable'.

After an assessment of the environmental effects, I consider that the removal of all of Condition 1, involves no more than a minor effect on the environment above that permitted by the confirmed designation. However, I consider that additional amendments to the conditions are required (as shown in Attachment B).

The conditions as amended by the minor alteration, and proposed further amendments, will collectively ensure that any potential adverse effects on the environment will be avoided, remedied or mitigated. The environmental effects are discussed further below in Section 2.1.

1.7. Delegated authority

The Team Leader – Regional, North, West and Islands Planning has delegated authority, to exercise the council’s functions, powers, duties and discretions under the Resource Management Act 1991 in relation to section 181(3).

This delegated authority is set out in the Auckland Council Delegations: Chief Executive Officer (updated February 2021).

However, in this case it is considered appropriate that an Independent Duty Commissioner approves the NoR under section 181(3) given that an internal department of Auckland Council, Auckland Council – Waste Solutions, is the requiring authority.

In regard to Auckland Council – Waste Solutions, the delegated authority to lodge a notice of requirement is also set out in the Auckland Council Delegations: Chief Executive Officer (updated February 2021).

1.8. Relevant statutory provisions

Section 181 “Alteration of designation” of the Resource Management Act 1991 states:

- (1) A requiring authority that is responsible for a designation may at any time give notice to the territorial authority of its requirement to alter the designation.*
- (2) Subject to subsection (3), sections 168 to 179 and 198AA to 198AD shall, with all necessary modifications, apply to a requirement referred to in subsection (1) as if it were a requirement for a new designation.*
- (3) A territorial authority may at any time alter a designation in its district plan or a requirement in its proposed district plan if-*
 - (a) The alteration-*
 - (i) Involves no more than minor changes to the effects on the environment associated with the use or proposed use of land or any water concerned;*
 - or*

2.1.1 Positive effects

Section 5.1 of the AEE addresses the positive effects associated with the alteration.

The requiring authority considers that an alteration to the purpose will:

- enable Waste Solutions to develop and evolve its waste management practises in line with current and future practices without need for further authorisations
- enable the site to be progressively developed as Auckland's largest and most advanced RRP
- enable trialling of future technologies, methods and processes for waste management as appropriate
- support Auckland's aspiration of being Zero Waste by 2040, develop more circular economies, and a more sustainable future.

In regard to the alteration to the boundary, the AEE states:

Extending the designation to cover the new dedicated public driveway will have multiple benefits. Separating public and commercial vehicle streams will result in increased safety for public users and have the associated benefit of reducing wait times at the site. This will also facilitate an overall better user experience for customers using the site supporting increased public use of the facilities. Increased public use of the facilities will further support Auckland to achieve its goals of waste minimisation, resource recovery, and the development of circular economies.

The requiring authority considers that 'the removal of Condition 1 from the designation will remove ambiguity in the implementation the designation given its reference to the Waitakere district plan which has been superseded and is no longer operative'.

Comments:

I rely on the requiring authority's AEE in regard to the positive benefits associated with the alteration to the purpose of Designation 425.

Clarification was sought about the statement above in the first bullet point on the wording 'without the need for further authorisations'. Waste Solutions advised that this statement refers to district plan resource consents. An outline plan of works will be required, unless a waiver is requested and approved. Regional consents for works that are triggered by activities that do not meet the permitted activity status of the regional provisions of the AUP(OP) are still required. Any other authorisations, such as building consents and traffic vehicle crossing authorisations, will also be required.

It is common for requiring authorities to submit an Outline Plan of Works (OPW) after a designation is confirmed, or in this case after the minor alteration is approved. The OPW process allows the requiring authority to undertake works that are in accordance with the

purpose and conditions of a designation. Regional consents are still required for those works which trigger the regional provisions of the AUP(OP).

The designation and OPW process also provides the requiring authority the flexibility, and certainty, that the designation can be used for its intended purpose. Section 181 of the RMA is the only mechanism in which the requiring authority can amend its designation.

While an assessment against section 171 of the RMA is not required under section 181(3), the objectives and reasons for the alteration to the designation, align with the vision, actions and goals of *Auckland Council's Waste Management and Minimisation Plan 2018 (WMMP)*.

The WMMP's vision is:

Auckland aspires to be Zero Waste by 2040, taking care of people and the environment, and turning waste into resources.

There are nine key actions in this plan. The establishment of the Waitākere RRP is one of the key projects to be completed by 2024. This project sits within an action to 'create a network of 12 community recycling centres'. Another action is to 'partner with others to achieve a zero-waste Auckland'.

The WMMP has three goals including 'Goal B. Maximise opportunities for resource recovery'. The objectives of Goal B are focussed on '*reuse, recycle, and recover*'. Goal B also has the following three objectives:

- develop infrastructure and processes to enable resource recovery
- identify local economic development opportunities through resource recovery
- achieve operational efficiencies in Council's domestic waste and recycling services.

The WMMP guiding principles also include:

- *promoting waste reduction behaviour by engaging the community through direct involvement, education and community-based programmes*
- *using waste to generate business opportunities and community benefits...*

I agree with the requiring authority that the alteration to Designation 425 enables better alignment with current and future waste management activities on the site. The designation and OPW process provides the requiring authority the flexibility, and certainty, that the designation can be used for its intended purpose. Section 181 of the RMA is the only mechanism in which the requiring authority can amend its designation.

I agree that the amended boundary providing for the additional accessway will improve the health and safety of both commercial and public visitors to, and within the, site.

I agree with the requiring authority about the removal of the existing condition. This matter is discussed further in Section 1.6 of this report.

2.1.2 Resource Recovery Park Activities

Section 5.2 of the AEE addresses the effects associated with activities of a RRP. The AEE includes a description of the similarities and differences between a RRP and a RTS and the current activities on the site.

In general, RRP activities include those that would occur within a RTS, such as sorting of waste for appropriate disposal to other sites; but they also include activities such as education and retail, which are not normally associated with an industry located within an area zoned Business – Heavy Industry under AUP:OP. The current activities within the WRTS already include many aspects of an RRP. For example, an education area is located within the north western portion of the site, and a retail, recycling and upcycling activities, fundamental to achieving the overall goal to maximise resource recovery and therefore considered to be appropriate for such a facility within an industrial area.

The requiring authority acknowledges that while the alteration to the designation will change the purpose to align with the activities of an RRP, these activities are already occurring on the site. These activities include the education area located within the north western portion of the site, and a retail, recycling and upcycling area.

In regard to the education centre, the AEE states:

The education centre is directly associated with the refuse centre, providing education on waste minimisation and site operations for school and community. The education centre is located in a separated, raised area in the north-western corner of the site. The education centre is not affected by refuse centre activities and provides a community benefit by increasing public awareness of waste minimisation initiatives. The education centre has been operating on the site for a number of years without complaint from neighbouring properties or site operators.

In regard to the retail, recycling and upcycling area, the AEE states:

The retail is operated by MPHS¹ in coordination with Auckland Council as a community social enterprise. The mission of the 'Tipping Point' store is to help reduce waste and encourage recycling and upcycling of materials. The retail site encourages upcycling by giving the public credit off their weigh-station bills for goods donated to the retail centre. This encourages upcycling and reuse of items. Having both the refuse centre and retail area to sell upcycled goods on the site provides a 'one-stop-shop' for people to dispose of their items, making upcycling easier. Retail has been operating on the

¹ McLaren Park and Henderson South (MPHS) Community Trust.

site without issue for the last 6 years. No complaints have been received from any neighbouring sites during this time regarding reverse sensitivity issues’.

The requiring authority considers the inclusion of a separated public accessway for access to the shop and public drop off area will enhance the experience of both commercial operators and public users. This is because they will no longer need to interact with each other in and around the site.

Comments:

I rely on the requiring authority’s AEE in this matter. I agree with the requiring authority that it is not normally anticipated that retail, other than that provided for in H16.4², or educational activities are located within the Business - Heavy Industry zone.

The Business - Heavy Industry zone provides for industrial activities as a permitted activity. The definition of “Industrial activities” includes waste management facilities, refuse transfer stations, and recycling facilities. The Business – Heavy Industry Zone provides for industrial activities that may produce objectionable odour, dust and noise emissions. Air quality emission standards that are different to the rest of Auckland often apply along with a lower level of air quality amenity.

Policy H16.(1) seeks the avoidance of activities which do not support the primary function of the zone. However, in this instance, both the retail and educational activities are directly related to the waste minimisation, recycling and reuse activities associated with a RRP. Both of these activities have been occurring on the site for a number of years.

2.1.3 Transport effects

Section 5.3 of the AEE, and the associated traffic assessment report, addresses the traffic effects associated with the alteration to the designation. As part of the redevelopment of the site, Waste Solutions are establishing a new public access road on the eastern side of the site. Changes to the circulation within the site will separate public and commercial movements (refer to Figure 2 and 3 below).

²Auckland Unitary Plan (Operative in Part) H16.4.1 Activity Table (A16) Retail accessory to an industrial activity on the site, where the goods sold are manufactured on site and the retail gross floor area does not exceed 10 per cent of all buildings on the site

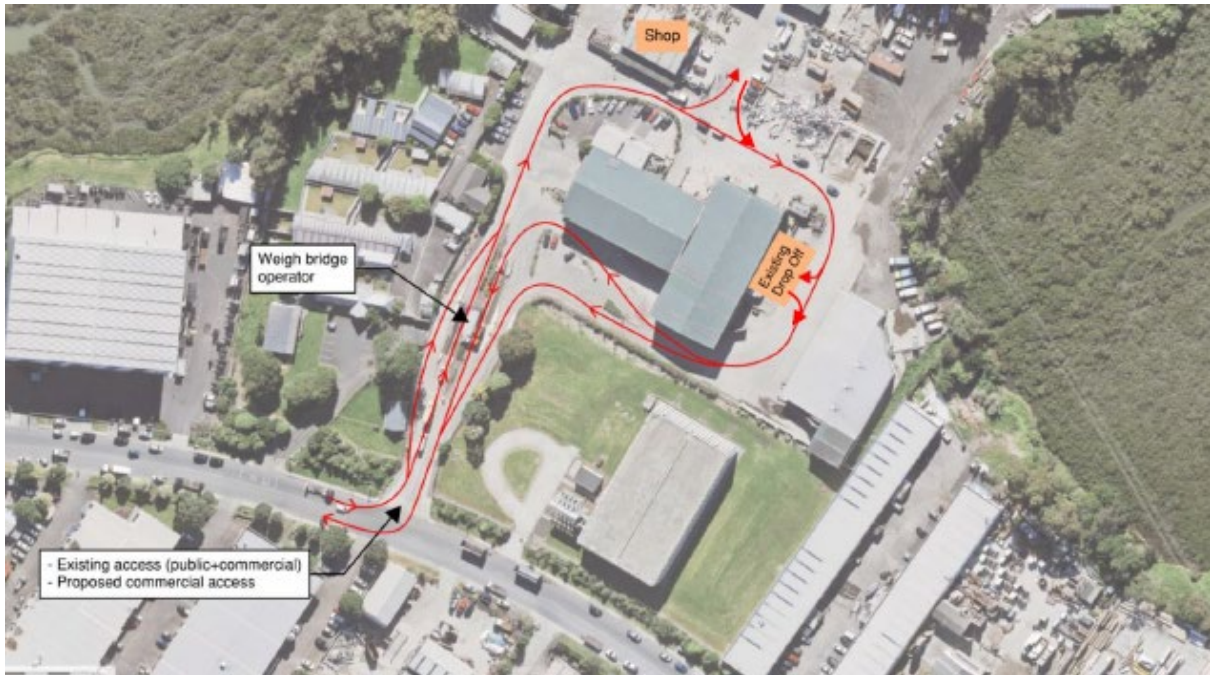


Figure 2: Existing traffic movements on the site (Traffic Assessment Report, Beca Ltd).

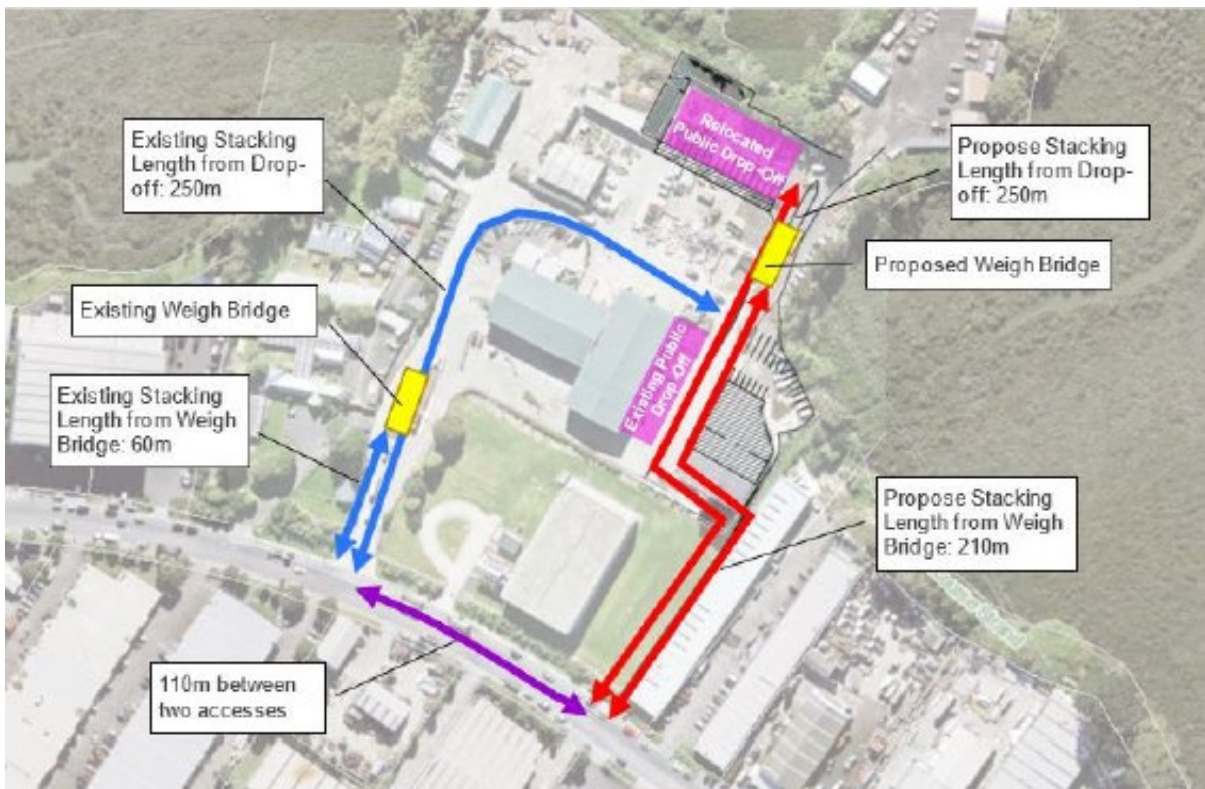


Figure 3: Proposed traffic layout. Blue lines indicate proposed commercial vehicle movement and red lines show proposed public vehicle movement through the site (Traffic Assessment Report, Beca Ltd).

The traffic assessment concludes that the separated access will have positive effects on traffic movements with reduced queues and delays expected for both public and commercial visitors. The busiest periods of traffic at the site are generally on Saturday and Sunday between 12pm

and 3pm. It is expected the re-use shop visitors may still be affected by the queuing if the busiest periods for the re-use shop and public drop-off occur simultaneously. However, with the expected reduction of queue length the re-use shop users will have less wait time than compared to the existing situation.

Parking will be provided for the re-use shop visitors with a total of 18 proposed carparks. For the public drop-off, parking bays will increase from 7 to 17 with the proposed new design.

Comments:

The requiring authority has consulted with Auckland Transport (refer to Section 7 and Attachment C of the AEE).

Auckland Transport was provided an opportunity for feedback as part of the processing of the section 181(3) notice of requirement. As acknowledged in Section 7 of AEE in respect to consultation with Auckland Transport, one condition has been proposed for the provision of a construction management plan. This condition is to manage effects of construction associated with any major works on the site.

Clarification was sought from Waste Solutions on whether there is any additional construction required to form the accessway. The maps in the AEE and associated traffic report shows a proposed vehicle access crossing and proposed accessway across an area of grass at 56 The Concourse, Henderson. Waste Solutions has advised that there will be some work needed to tie the accessway into the site but that will be undertaken as a permitted activity.

Map 4 below shows an updated aerial; this shows that the grassed area is now a formed gravelled area with a vehicle access crossing. A site visit on 14 June 2021 confirmed this.



Map 4: Aerial photo of 56 The Concourse, Henderson (Google maps 2021).

2.1.4 Other potential effects

The requiring authority has not considered any other effects beyond those above. As previously stated above in Section 2.1, the AEE is focussed on the effects associated with the alteration to the designation.

I agree with the requiring authority that there is a permitted baseline of effects above which the assessment of effects should be considered. As stated above, waste management facilities, waste transfer stations, and recycling centres are permitted activities in the underlying zone. The activities proposed to be included in the amended purpose have been occurring as a result of operational changes over time on the site.

The potential effects associated with the disturbance of contaminated land, air discharges, hazardous facilities, and land disturbance in the coastal protection yard, will be managed through regional consents.

Other effects which would normally be managed through the district plan provisions of the AUP(OP) include the underlying zoning, noise, and archaeology. The existing designation conditions sought to mitigate these effects through referencing the relevant parts of the legacy Waitākere City District Plan.

As discussed in Section 1.6 above, I consider that conditions are appropriate given that Auckland Council is the requiring authority.

2.1.5 Overall effects assessment

I agree that the alteration, subject to the recommended conditions, involves no more than a minor effect on the environment.

2.2. Assessment of minor changes or adjustments to the boundary (s181(3)(a)(ii))

The requiring authority has proposed a minor change to the boundary. The designation boundary is proposed to be extended to cover an additional 808m² of land at 56 The Concourse, Henderson. The boundary specifically extends over the easement held by Waste Solutions to enable the construction of a second accessway to the WRTS site.

The requiring authority considers that the additional land affected by the alteration is a minor boundary change, given the existing extent of Designation 425.

Comments:

I agree with the requiring authority that the alteration involves no more than a minor change to the boundary. In addition, WSL has provided their written approval as owners and occupiers of land directly affected by the alteration.

Therefore, I agree with the requiring authority that the requirements of section 181(3)(a)(ii) are met.

2.3. Written notice of the proposed alteration has been given to every owner or occupier of the land directly affected and those owners and occupiers agree with the alteration (s181(3)(b))

Section 6.1.3 of the AEE addresses the requirements of Section 181(3)(b). Written notice has been given to the following parties:

- Watercare Services Limited
- Auckland Council Closed Landfill and Contaminated Land Response Team
- Auckland Council Animal Management Team
- Auckland Transport

Written approvals from the parties above have been provided in Appendix C of the AEE.

The requiring authority has also consulted with mana whenua and directly adjoining neighbours (refer to Section 7 and Appendix C) of the AEE.

2.4. Agreement of both the territorial authority and the requiring authority (181(3)(c))

The alteration to the designation has been requested by Auckland Council – Waste Solutions, as the requiring authority, and therefore it agrees to the alteration. Auckland Council, as the territorial authority, agrees with the proposed alteration for the following reasons:

- the alteration involves no more than minor changes to the environmental effects
- the alteration involves only minor changes to the boundary
- the land is either owned and occupied by Auckland Council or subject to an easement with Watercare Services Limited who agree with alteration
- conditions, as amended by the alteration and recommended conditions, will ensure any potential adverse effects are avoided, remedied or mitigated.

3. CONCLUSIONS AND RECOMMENDATIONS

3.1. Conclusions

The proposed alteration meets the statutory tests of Section 181(3) of the Resource Management Act 1991, in that:

- the alteration involves no more than minor changes to the environmental effects
- existing conditions as amended will ensure any potential adverse effects are avoided, remedied or mitigated
- the alteration involves only minor changes or adjustments to the boundaries of the existing designation
- Auckland Council is the landowner of 50 The Concourse Henderson, and has an easement over the additional land, to be included within Designation 425, at 56 The Concourse, Henderson
- written notice of the proposed alteration has been given to, and the associated agreement received from, owners and occupiers of land directly affected by the alteration. This includes Watercare Services Limited as the landowner of 56 The Concourse, Henderson.
- both the requiring authority and Auckland Council agree with the alteration.

3.2 Recommendation

- (1) That pursuant to Section 181(3) of the Resource Management Act 1991, Auckland Council – Waste Solution’s notice of requirement, dated 20 May 2021, for an alteration to Designation 425: Solid Waste Baling Station is **approved**.

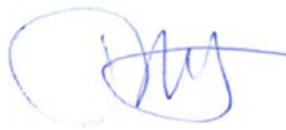
- (2) That the text of Designation 425 is amended in Chapter K Designations in the AUP(OP) as recommended in Section 4 and Attachment B of this report.
- (3) That the GIS viewer Management Layer of the AUP(OP) be amended for Designation 425 to include the additional 808m² of land at 56 The Concourse, Henderson.

4. Agreed alterations

The agreed text alterations to the designation conditions is attached (Attachment B). Amendments are shown as either strikethrough or bold and underlined.

Report prepared by: Jo Hart
Senior Policy Planner
Regional, North, West and Islands Planning

Signature:



Date : 5 July 2021

Report reviewed by: Eryn Shields
Team Leader
Regional, North, West and Islands Planning

Signature:



Date : 5 July 2021

Approved for release:

The section 181(3) report is authorised for release to the duty commissioner for the alteration to Designation 425 in the Auckland Unitary Plan (Operative in part) to be **approved**.

Approved by: Eryn Shields
Team Leader
Regional, North, West and Islands Planning

Signature:



Date : 5 July 2021

5. SECTION 181(3) DETERMINATION

5.1 Having read the council planner's report and recommendations on the notice of requirement, I am satisfied I have adequate information to consider the matters required under section 181(3) of the Resource Management Act 1991 and to make a decision under delegated authority.

5.2 I consider that the notice of requirement for an alteration to Designation 425: Solid Waste Baling Station meets the statutory requirements of section 181(3) of the Resource Management Act, in that:

- the alteration involves no more than a minor change to the effects on the environment associated with the use or proposed use of land;
- the alteration involves only minor changes or adjustments to the boundaries of the designation;
- owners or occupiers of land directly affected by the alteration have been given written notice and they agree with the alteration; and
- Auckland Council – Waste Solutions, as the requiring authority, and Auckland Council, as the territorial authority, agrees with the alteration.

5.3 Accordingly, the alteration to Designation 425 in the Auckland Unitary Plan (Operative in part) is **approved** under section 181(3) of the Resource Management Act 1991.

Approved: Justine Bray
Duty Commissioner

Signature:



Date : 9 July 2021

SCHEDULE OF ATTACHMENTS

Attachment A: Section 181(3) Notice of Requirement
Attachment B Amended Designation Conditions

Attachment B: Amended conditions

425 The Concourse Solid Waste Baling Station Waitākere Resource Recovery Park

Designation Number	425
Requiring Authority	Auckland Council
Location	50 The Concourse, Te Atatu Henderson
Rollover Designation	Yes
Legacy Reference	Designation BF1, Auckland Council District Plan (Waitākere Section) 2003
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

~~Solid waste baling station~~

Resource Recovery Park that maximises the diversion of waste from landfill. This includes all activities and auxiliary activities associated with waste minimisation, resource recovery, reuse, and waste management including:

- separation of reusable, recyclable materials and green (or organic) waste
- consolidation of commercial and residential waste
- consolidation and site storage of hazardous waste
- sale of reusable and recyclable materials/items
- upcycling
- co-location of businesses using recovered materials
- waste minimisation education
- innovation, including testing and implementing new technologies and processes to minimise waste and maximise resource recovery

Conditions

~~1. Subject to the following parts of the Auckland Council District Plan (Waitakere Section) 2003:~~

~~a. All relevant Natural Area Rules;~~

~~b. City Wide Rules of the Plan relating to noise standards, natural hazards, hazardous facilities and contaminated sites,~~

~~— and heritage; and~~

~~c. All relevant Human Environment Rules relating to noise, air discharges and odour, dust, glare and vibration.~~

Noise

1. The noise (rating) level and maximum noise level arising from the Waitākere Resource Recovery Park must not exceed 70 dB LAeq when measured or assessed within the boundary of any adjacent site zoned Business – Heavy Industry.

Construction Management Plan

2. A construction management plan shall be prepared and submitted with an outline plan of works for any major site works.

Accidental Discovery Protocol

3. Should any proposed earthworks result in the identification of any previously unknown sensitive materials, which is not expressly provided for by any consent or any other statutory authority, the following Accidental Discovery protocols shall be complied with.

For the purpose of this condition, 'sensitive material' means:

- i. human remains and kōiwi
 - ii. an archaeological site
 - iii. a Māori cultural artefact/taonga tuturu
 - iv. a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
 - v. evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour)
 - vi. lava cave greater than 1m in diameter on any axis.
- a. Where the sensitive material is archaeological, all earthworks will cease in the immediate vicinity (at least 20m from the site of the discovery) while a suitably qualified archaeologist is consulted to establish the type of remains.

If the material is identified by the archaeologist as human, archaeology or artefact, earthworks must not be resumed in the affected area (as defined by the archaeologist). The requiring authority must immediately advise Auckland Council, Heritage New Zealand Pouhere Taonga and Police (if human remains are found) and arrange a site inspection with these parties.

If the discovery contains kōiwi, archaeology or artefacts of Maori origin, representatives from the relevant Mana Whenua Group are to be provided information on the nature and location of the discovery.

The requiring authority shall not recommence works until approved by Auckland Council.

Advice notes:

1. *For guidance and advice on managing the discovery of archaeological features, contact the Team Leader Cultural Heritage Implementation on 09 301 0101.*
2. *In respect of the accidental discovery of sensitive materials which shows evidence of contaminated land, the requiring authority will need to obtain any necessary regional consent and/or meet the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.*

Attachment C: Updated text

425 Waitākere Resource Recovery Park

Designation Number	425
Requiring Authority	Auckland Council
Location	50 The Concourse, Henderson
Rollover Designation	Yes
Legacy Reference	Designation BF1, Auckland Council District Plan (Waitākere Section) 2003
Lapse Date	Given effect to (i.e. no lapse date)

Purpose

Resource Recovery Park that maximises the diversion of waste from landfill. This includes all activities and auxiliary activities associated with waste minimisation, resource recovery, reuse, and waste management including:

- separation of reusable, recyclable materials and green (or organic) waste
- consolidation of commercial and residential waste
- consolidation and site storage of hazardous waste
- sale of reusable and recyclable materials/items
- upcycling
- co-location of businesses using recovered materials
- waste minimisation education
- innovation, including testing and implementing new technologies and processes to minimise waste and maximise resource recovery

Conditions

Noise

1. The noise (rating) level and maximum noise level arising from the Waitākere Resource Recovery Park must not exceed 70 dB LAeq when measured or assessed within the boundary of any adjacent site zoned Business – Heavy Industry.

Construction Management Plan

2. A construction management plan shall be prepared and submitted with an outline plan of works for any major site works.

Accidental Discovery Protocol

3. Should any proposed earthworks result in the identification of any previously unknown sensitive materials, which is not expressly provided for by any consent or any other statutory authority, the following Accidental Discovery protocols shall be complied with.

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- iv. a protected New Zealand object as defined in the Protected Objects Act 1975 (including any fossil or sub-fossil);
 - v. evidence of contaminated land (such as discolouration, vapours, asbestos, separate phase hydrocarbons, landfill material or significant odour)
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Attachments

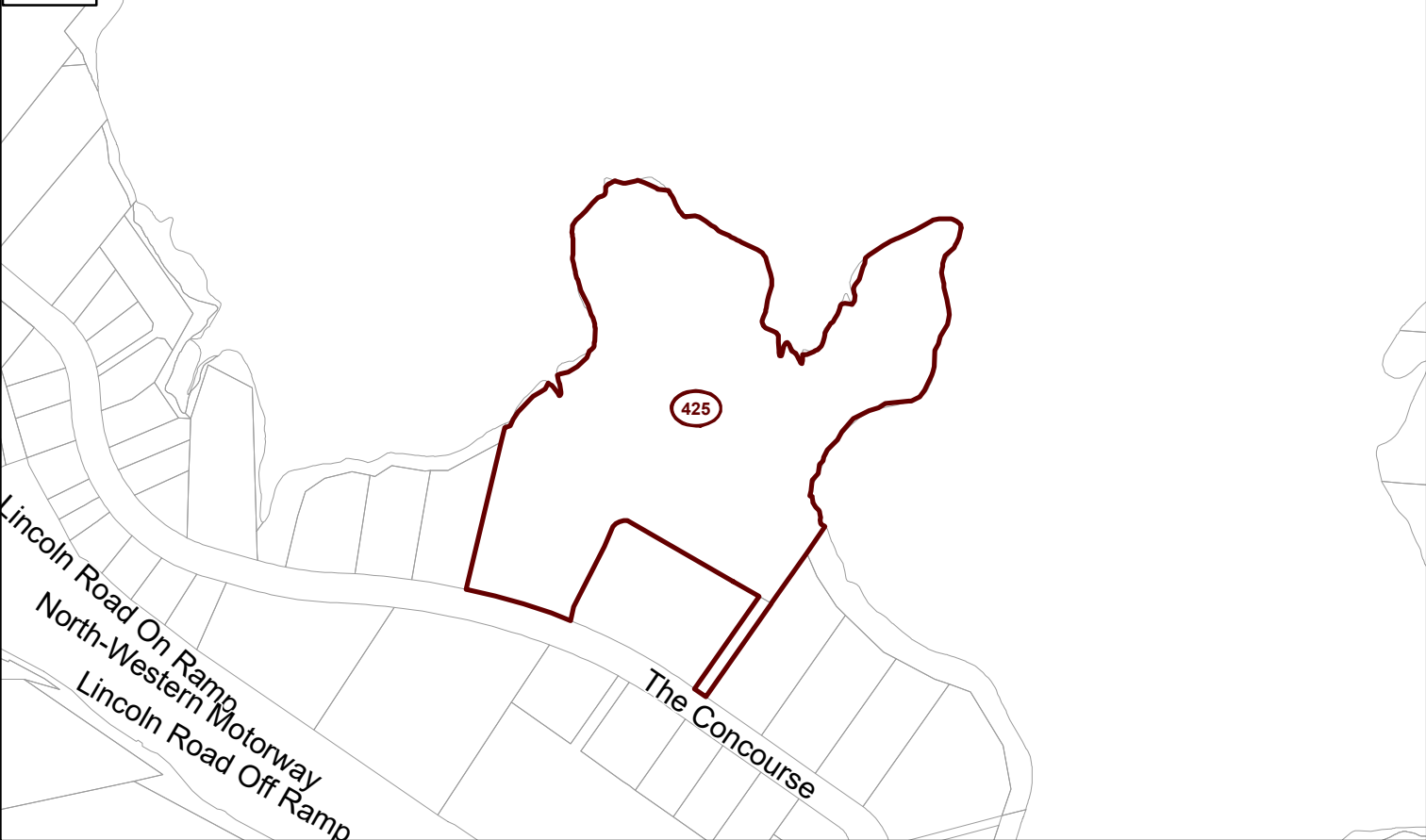
No attachments.

Attachment D: Updated GIS Viewer

BEFORE



AFTER



0 37.5 75 150 Metres

Whilst due care has been taken, Auckland Council gives no warranty as to the accuracy and completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

Date: 3/08/2021

Amend Designation 425